

MINUTES OF THE HOUSE COMMITTEE ON PENSIONS, INVESTMENTS & BENEFITSThe meeting was called to order by Representative Don Rezac a
Chairperson12:06 a.m./p.m. on January 22, 1992 in room 521-S of the CapitolAll members were present except: Representative Wells (excused)
Representative Allen (excused)Committee staff present: Alan Conroy, Legislative Research
Richard Ryan, Legislative Research
Gordon Self, Revisor's Office
Juanita Blasdel, Committee Secretary

Conferees appearing before the committee:

Charles Dodson, Kansas Association of Public Employees
Jim Snyder, Kansas Funeral Directors & Embalmers Association
Basil Covey, Kansas Retired Teachers Association
Kathy Leonhart, Kansas Association of Court Services Officers
Paul Shelby, Office of Judicial Administration
Meredith Williams, KPERS
Kyle Smith, Kansas Bureau of Investigation
Craig Grant, KNEA
Others attending: see attached list

Chairman Rezac called the meeting to order at 12:06 p.m. and welcomed Representative Hensley as a new member in the committee.

Charles Dodson of KAPE was then introduced to present an early retirement incentive program that would help take care of reduction in state forces without having to cut jobs. He stated there were 2,001 eligible employees with an average age of 58.2 and average service years of 29.8. He recommended Scenario Nos. 4 and 5 from the handout sheet (Attachment #1). A motion was made by Representative Wisdom to introduce this as a bill, seconded by Representative Hensley, motion carried.

The Chairman then introduced Jim Snyder of Kansas Funeral Directors and Embalmers Association. He was asking that a bill be introduced to provide for assignment of KPER's retirants death benefit to the funeral home providing the funeral service (Attachment #2). A motion was made by Representative Gene Amos to introduce this bill, seconded by Representative Bill Wisdom, motion carried. Questions were then asked of Mr. Snyder.

Basil Covey of Kansas Retired Teachers Association then presented some requests for bills.

1. A cost of living increase in benefits for retired teachers and other retirants in KPERS based on the current federal CPI.
2. A \$15 per month increase in addition to a COLA for earlier retired teachers and others in KPERS whose benefits are \$200 or less a month.

Mr. Covey mentioned another bill concerning an increase in the lump-sum death benefit. This was HB 2094 which was passed by the Pensions Committee during the 1991 session and is now in Appropriations. Representative Carol Sader moved that we introduce these two bills, seconded by Representative Bill Wisdom, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PENSIONS, INVESTMENTS & BENEFITS,
room 521-S Statehouse, at 12:06 a.m./p.m. on January 22, 1992

Hearings were then to begin and Alan Conroy of Legislative Research was called on to present HB 2596 for hearings.

HB 2596 - Court Services Officers as members of KP&F retirement system

The first proponent on this bill was Kathy Leonhart of Court Services Officers. She spoke from handout sheets (Attachment #3). The main concern she presented was the need of individuals working in stressful, high risk environments to have the option to retire at a living wage if they're 55 and have been working for 20 years in such a job. She presented figures and suggestions to cover the cost for the group to be transferred from KPERS to the KP&F Retirement System. Questions were then asked of Ms. Leonhart.

Mr. Paul Shelby of Judicial Administration then presented his request for this bill to be approved. He spoke from a handout (Attachment #4). His concerns were for the funding provisions proposed in the bill. Questions were then asked of Mr. Shelby.

Meredith Williams of KPERS said he had no objections to the move but suggested that another way be found for the funding of this program.

Hearings were then closed on HB 2596.

Alan Conroy then explained HB 2597 for hearings.

HB 2597 - Prior service credit for certain agents of KBI

Kyle Smith of KBI was called on to speak as a proponent of this bill. He spoke from a handout (Attachment #5). This bill was introduced during the 1991 session in an effort to obtain prior service credit for five of their agents who previously were narcotic special agents. They now are known as regular KBI Special Agents and as such enrolled in KP&F.

Hearings were then closed on HB 2597.

Craig Grant of Kansas National Education Association then asked if he could speak for a few minutes. He presented some information which was in a handout regarding selected retirement statistics, a comparison of the 50 states in regard to educator retirement (Attachment #6). He stated that he deals mainly with teacher retirements.

Chairman Rezac announced there would be another meeting next Wednesday, January 29, at noon.

Meeting adjourned at 12:50 p.m.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM
ESTIMATES FOR EARLY RETIREMENT INCENTIVE PROGRAMS

Eligibility Provisions

Age 55 with 20 years of service
 or
 Any age with 30 years of service

Demographic Summary

Number of Eligible Employees 2,001
 Average Age 58.2
 Average Service 29.6
 Average Salary \$29,593

	(1)	(2)	SCENARIO (3)	(4)	(5)
Actuarial Present Value of Additional Benefits	\$69,800,000	\$113,725,000	\$119,625,000	\$127,150,000	\$59,625,000
Amortization Payment over					
5 years	17,482,000	28,483,000	29,961,000	31,046,000	14,933,466
10 years	10,402,000	16,948,000	17,828,000	18,949,000	8,885,883
15 years	8,155,000	13,286,000	13,976,000	14,855,000	6,988,982
20 years	7,109,000	11,583,000	12,184,000	12,951,000	6,072,938

Scenario (1): Waive early retirement reduction factors.

Scenario (2): Waive early retirement reduction factors and increase participating service by 5 years.

Scenario (3): Waive early retirement reduction factors, increase participating service by 5 years and provide \$50 per month medical premium credit until age 65.

Scenario (4): Waive early retirement reduction factors, increase participating service by 5 years, provide \$50 per month medical premium credit until age 65, and provide \$100 per month Social Security supplement until age 62.

Scenario (5): Base benefit on 2% formula for all participating service (no other changes).

08-Oct-91

Pensions, Investments & Benefits
 Attachment #1
 1-22-92

Table 12. RETIREMENT

State	Contribution Rate % Salary		mandatory retirement age	full vesting	Normal Full Benefit Requirements		AFC: Average Final Compensation benefit formula	employees in social security	integrated plan	cost of living adjust.
	state	employee			minimum age	year service				
Alabama	7.10%	5.00%	none	10yrs	60	10yrs	2.0125% x yrs x AFC (3yrs)	yes	no	ad hoc
Alaska	11.30%	6.75%	none	5yrs	55 and	5yrs	2.00% x yrs x AFC (3yrs)	no	no	yes
Arizona	3.82%	3.82%	none	5yrs	62 and	10yrs(1)	2.00% x yrs x AFC (3yrs)	yes	no	ad hoc
Arkansas	10.00%	0.00%	none	10yrs	none	30yrs(2)	1.80% x AFC (5yrs) - (1.25% Primary SS Benefits) x yrs(3)	yes	yes	yes
California(4)	13.224%	5.00%	none	5yrs	50	5yrs	2.00% x yrs x AFC (3yrs)(5)	yes	yes	CPI, 2% max.
Colorado	12.20%	8.00%	none	5yrs	none	35yrs(6)	2.50% x yrs x AFC (3yrs)(7)	no	no	CPI, ad hoc(8)
Connecticut(9)	7.00%	5.00%	70	10yrs	55	25yrs	2.00% x yrs x AFC (3yrs)	yes	no	CPI
Delaware(10)	9.00%	3.00%	none	5yrs	none	30yrs(11)	1.66% x yrs x AFC (5yrs)	yes	no	ad hoc
Florida	15.72%	0.00%	none	10yrs	none	30yrs	1.60-1.68% x yrs x AFC (5yrs)	yes	no	3%
Georgia	17.80%	1.50%	none	10yrs	65 or	30yrs	1.64% x yrs x AFC (2yrs)(12)	yes	no	CPI
Hawaii(13)	18.07%	7.80%	none	5yrs	55	5yrs	2.00% x yrs x AFC (3 highest yrs)	yes	no	2.5%
Idaho	8.89%	5.34%	none	5yrs	55 and	35yrs(14)	1.67% x yrs x AFC (5yrs)	yes	no	survey
Illinois	4.10%	4.00%	none	8yrs	60 or	35yrs	----- (15)	yes	no	3%
Indiana	3.00%	0.00%	none	10yrs	65	10yrs(16)	1.10% x yrs x AFC (5 highest yrs)	yes	yes	ad hoc(17)
Iowa	5.75%	3.70%	none	4yrs	62 and	30yrs(18)	0.52% x yrs/30 x AFC (3 highest yrs)(19)	yes	no	---
Kansas	3.10%	4.00%	none	10yrs	65	none(20)	1.40% x yrs x AFC (4yrs)(21)	yes	no	ad hoc
Kentucky	7.45%	5.00%	none	5yrs	65 or	27yrs	1.97% x yrs x AFC (5yrs)	yes	no	ad hoc
Louisiana	10.70%	7.50%	70	10yrs	none	30yrs	2.50% x yrs x AFC (3yrs)	no	no	CPI
Maine	21.25%	6.50%	none	10yrs	60 and	25yrs	2.00% x yrs x AFC (3yrs)	no	no	CPI, 4% max.
Maryland	9.19%	-----(22)	none	5yrs	62 or	30yrs	----- (23)	yes	yes	CPI, 3% max.
Massachusetts	0.00%	5%-8%(24)	none(25)	10yrs	55 and	10yrs	----- (26)	no(27)	no	yes(28)
Michigan	varies	0.00%	none	10yrs	55 and	30yrs	1.50% x yrs x AFC (3yrs)	yes	no	yes(29)
Minnesota	4.29%	4.15%	none	5yrs	62 and	30yrs(30)	1.50% x yrs x AFC (5yrs)(31)	yes	yes	ad hoc
Mississippi	8.75%	6.00%	none(32)	4yrs	65 or	30yrs	----- (33)	yes	yes	ad hoc(34)
Missouri	9.90%	0.00%	70	10yrs	55 and	30yrs(35)	1.50% x yrs x AFC (3yrs)	yes	no	ad hoc

Attachment #1-2

Table 12. RETIREMENT -- continued

State	Contribution Rate-A Salary		mandatory retirement age	full vesting	Normal Full Benefit Requirements		AFC: Average Final Compensation benefit formula	employees in social security	integrated plan	cost of living adjust.
	state	employee			minimum age	year service				
Montana	6.42%	6.417%(36)	none	5yrs	none	30yrs	1.78% x yrs x AFC (3yrs)	yes	no	ad hoc
Nebraska	-- (37)	---(37)	none	5yrs	55 and	5yrs(30)	no formula, cash on annuities	yes	no	none
Nevada	10.00%(38)	10.00%(38)	none	10yrs(39)	none	30yrs(40)	2.50% x yrs x AFC (3yrs)	no	no	yes(41)
New Hampshire	varies	5.00%	none	10yrs	60	-----	1.67% x yrs x AFC (3yrs)	yes	no	---
New Jersey	varies	varies	none	10yrs	60	none	1.67% x yrs x AFC (3yrs)	yes	no	CPI, 60%
New Mexico	13.83%	6.18%	none	5yrs	none	25yrs	2.50% x yrs x AFC (3yrs)	yes	no	ad hoc
New York(42)	0.20%(43)	3.00%	none	10yrs	62	10(44)	------(45)	yes	no	ad hoc
North Carolina	11.22%	6.00%	none	5yrs	none	30yrs(46)	1.64% x yrs x AFC (4yrs)	yes	no	ad hoc
North Dakota	8.12%(47)	0.00%	none	5yrs	55 and	35(48)	1.65% x yrs x AFC (3yrs)(49)	yes	no	ad hoc
Ohio	13.71%	8.50%	none	5yrs	none	30yrs(50)	2.10% x yrs x AFC (3yrs)	no	no	3%
Oklahoma	10.50%	2.00%(51)	none	8yrs	Rule of 80		2.00% x yrs x AFC (5yrs)(52)	yes	no	ad hoc
Oregon	10.22%	6.00%(53)	none	5yrs	58	n/a	1.67% x yrs x AFC (3yrs)	yes	no	ad hoc
Pennsylvania	12.70%	6.25%(54)	none	10yrs	60 or	35yrs	2.00% x yrs x AFC (3yrs)	yes	no	ad hoc
Rhode Island	10.40%	7.75%	none	10yrs	none	28yrs(55)	------(56)	yes	no	yes
South Carolina	7.70%	6.00%	none	5yrs	65	30yrs	------(57)	yes	no	yes
South Dakota	5.00%	5.00%	none	5yrs	65 and	5yrs(58)	1.25% x yrs x AFC (3yrs)(59)	yes	yes	---
Tennessee	10.00%	0.00%	none	10yrs	60 or	30yrs	------(60)	yes	yes	CPI
Texas	7.40%	6.00%	none	10yrs	55 and	30yrs(55)	2.00% x yrs x AFC (3yrs)	yes	yes	---
Utah	13.14%	0.00%(61)	none	4yrs	none	30yrs(62)	------(63)	yes	no	CPI, 4% max.
Vermont	varies(64)	2.75%(64)	none	5yrs	62 and	40yrs(65)	1.67% x yrs x AFC (3yrs)	yes	no(66)	CPI
Virginia	10.12%	0.00%	none	5yrs	55 and	30yrs	------(67)	yes	no	CPI
Washington	7.61%(68)	4.70%(68)	none	5yrs	60 and	5yrs(69)	2.00% x yrs x AFC (5yrs)(70)	yes	no	CPI
West Virginia	9.50%	4.50%	none	5yrs	Rule of 80		2.00% x yrs x AFC (36mos)	yes	no	ad hoc
Wisconsin	6.01%	6.01%(71)	none	5yrs(72)	55 and	30yrs	1.60% x yrs x AFC (3yrs)	yes	no	none
Wyoming	7.50%	3.75%	none	4yrs	60 and	4yrs	2.00% x yrs x AFC (3yrs)	yes	no	ad hoc

Attachment #1-3

REQUEST FOR COMMITTEE BILL INTRODUCTION

PURPOSE: To provide for assignment of KPER's retirants death benefit to the funeral home providing the funeral service.

COMMENTS: Kansas Funeral Directors have been told that under KSA 74-4923 sub paragraph 'b' (attached), death benefits CANNOT be assigned to the funeral home providing the service. We foresee instances where the beneficiary of such a benefit WOULD NOT be the person responsible for the payment of the funeral bill...and yet this benefit normally is used for that very purpose.

Usual assignments of other insurance and/or death benefits is provided by in KSA 40-439 and 40-440 (attached). Therefore, since it appears that statutory authority is required to provide this service, we would ask the Pensions, Investments and Benefits Committee to introduce a bill to provide the necessary authority.

The attached proposed bill should do what is needed. We would appreciate your introduction of the same.

I shall be happy to answer any questions.

#2

KSA 40-439 & 440

ny domestic life insurance com-
 nish establishes one or more sepa-
 ounts pursuant to this section, may
 ts charter or bylaws to provide for
 voting rights and procedures for the
 of contracts under such separate ac-
 elating to investment policy, invest-
 visory services and selection of in-
 ent public accountants, in relation to
 inistration of the assets in any such
 account and such other matters as
 any deems necessary in the man-
 t of the assets in any such separate
 . This provision shall not in any way
 visting laws pertaining to the voting
 of the company's policyholders.
 The commissioner shall have the sole
 usive jurisdiction and authority to
 e the issuance and sale of such con-
 und to promulgate such reasonable
 d regulations as may be necessary to
 ut the purposes and provisions of this
 d such contracts, the companies
 issue them, and the agents or other
 s who sell them, shall not be subject
 provisions of article 12 of chapter 17
 Kansas Statutes Annotated nor to the
 iction of the securities commissioner
 s state.

History: L. 1967, ch. 259, § 1; L. 1968,
 2, § 1; L. 1972, ch. 182, § 1; July 1.

437. Establishment of separate ac-
 ts; application of other laws; variable
 ontracts, provisions required; reserve
 ty requirements. Except for subsec-
 (1), (4), (5), (6), (7), (8), (9) and (11) of
 40-420; subsections (1), (2) and (3) of
 40-421; K.S.A. 40-427, 40-428, 40-
 40-429 and subsection (1) of K.S.A.
 40-434, and except as otherwise provided in
 ct, all pertinent provisions of the in-
 ce laws of this state shall apply to
 ate accounts and contracts relating
 to. Any individual variable life insur-
 or annuity contract, delivered or is-
 for delivery in this state shall contain
 e, reinstatement and nonforfeiture pro-
 ons appropriate to such a contract. Any
 variable life insurance contract, del-
 or issued for delivery in this state,
 contain a grace provision appropriate
 h a contract. The reserve liability for
 ble contracts shall be established in
 nance with actuarial procedures that
 re the variable nature of the benefits
 ed and any mortality guarantees.

History: L. 1967, ch. 259, § 2; L. 1968,
 ch. 382, § 2; L. 1972, ch. 182, § 2; L. 1978,
 ch. 175, § 3; July 1.

40-438. Same; severability. If any pro-
 vision of this act or application thereof to
 any person or circumstance is held invalid,
 such invalidity shall not affect other provi-
 sions or applications of the act which can be
 given effect without the invalid provision or
 application, and to this end the provisions of
 this act are declared to be severable.

History: L. 1967, ch. 259, § 3; July 1.

40-439. Assignment of rights and priv-
 ileges under life and accident and health
 insurance policies. No provision in K.S.A.
 40-434 and 40-435 or any other law shall be
 construed as prohibiting a person whose life
 is insured under a policy of group life or
 accident and health insurance or the poli-
 cyowner of an individual life or accident
 and health policy from making an assign-
 ment of all or any part of his rights and
 privileges under such policy including spec-
 ifically, but not by way of limitation, any
 right to designate a beneficiary or benefi-
 ciaries thereunder and any right to have an
 individual policy issued to him in accord-
 ance with subsections (8), (9) or (10) of
 K.S.A. 40-434 and 40-435. Subject to the
 terms of the policy relating to assignment of
 such rights and privileges thereunder, such
 an assignment by an insured or the poli-
 cyowner, made either before or after the
 effective date of this section, is valid for the
 purpose of vesting in the assignee, in ac-
 cordance with any provisions included
 therein as to the time at which it is to be
 effective, all of such rights and privileges so
 assigned, but without prejudice to the in-
 surer on account of any payment it may
 make or individual policy it may issue in
 accordance with subsections (8), (9) or (10)
 of K.S.A. 40-434 and 40-435 prior to receipt
 of notice of the assignment.

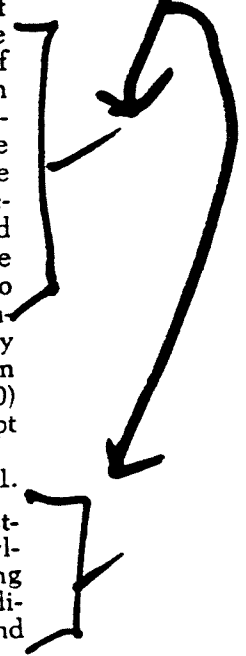
History: L. 1969, ch. 239, § 1; July 1.

40-440. Same; act acknowledges exist-
 ing right of assignment. This act acknowl-
 edges, declares and codifies the existing
 right of assignment of interests under indi-
 vidual and group life and accident and
 health insurance policies.

History: L. 1969, ch. 239, § 2; July 1.

40-441. Designation of trustee under
 will as beneficiary of life insurance policy.

PROVIDER'S
 USUAL
 ASSIGN-
 MENT



KSA-74-4923(8)

#3

ES

first entry date. The
 either or not separate
 maintained for each
 ing the system after

payment reserve. (i)
 ted with the amount
 mber's accumulated
 from the retirement
 ve and with interest
 the rate determined
 This reserve shall be
 f retirement benefits
 death of the excess
 l contributions over
 ents paid to date of
 ceipt of the actuarial
 of the previous fiscal
 e certain adjustments
 e made prior to the
 nmediately following
 he actuarial valuation

se adjustments shall
 the amount required
 l valuation and the
 previous year's actu-
 its transferred to this
 l out of this reserve
 e adjusted. Such ad-
 intain this reserve on
 as of June 30 of the
 be accomplished by
 plicable, the retire-
 n reserve.

This reserve shall be
 cated to this reserve
 ch year by the board.
 payments of all ex-
 ction with the admin-

reserve. This reserve
 he employer contri-
 the cost for the plan
 lisability benefits un-
 amendments thereto,
 respective rate credit
 e company or com-
 y the board for such
 ocated to this reserve
 ch year by the board.
 ged with the amount
 to provide such plan
 lisability benefits.

427, § 22; L. 1965.
 a. 346, § 1; L. 1981.

ch. 315, § 1; L. 1982, ch. 319, § 28; L. 1991, ch. 237, § 9; July 1.

74-4923. Rights of members and beneficiaries not affected by change or repeal of act, exception; benefits and rights nonassignable and exempt from taxes and legal process, exception for decrees for support and maintenance; recovery of arrearage obligations and debts owed state agencies. (a) No alteration, amendment or repeal of this act shall affect the then existing rights of members and beneficiaries but shall be effective only as to rights which would otherwise accrue under this act as a result of services rendered by an employee after the alteration, amendment or repeal. This subsection shall not apply to any alteration or amendment of this act which provides greater benefits to members or beneficiaries, but any increase of benefits shall only be applicable to benefits payable on the first day of the month coinciding with or following the effective date of the alteration or amendment.

(b) Any annuity, benefits, funds, property or rights created by, or accruing to any person under the provisions of K.S.A. 74-4901 *et seq.* or K.S.A. 74-4951 *et seq.*, and any acts amendatory thereof or supplemental thereto, shall be exempt from any tax of the state of Kansas or any political subdivision or taxing body of the state; shall not be subject to execution, garnishment or attachment, or any other process or claim whatsoever, except such annuity or benefit or any accumulated contributions due and owing from the system to such person are subject to decrees for child support or maintenance, or both, as provided in K.S.A. 60-1610 and amendments thereto; and shall be unassignable. The Kansas public employees retirement system shall not be a party to any action under article 16 of chapter 60 of the Kansas Statutes Annotated and is subject to orders from such actions issued by the district court of the county where such action was filed. Such orders from such actions shall specify either a specific amount or specific percentage of the amount of the pension or benefit or any accumulated contributions due and owing from the system to be distributed by the system pursuant to this act.

(c) In any case where a state agency is owed a debt or where a participating employer under the Kansas public employees retirement system or under the Kansas police and firemen's retirement system has been required to pay and has paid an arrearage obligation of the

amount of contributions of a member which were not paid at the time required and where the employment of the member by the state agency or participating employer has been terminated and the member is eligible to withdraw accumulated contributions in accordance with K.S.A. 74-4917 and 74-4963, and amendments thereto, the state agency or participating employer shall be paid from the member's account in the fund an amount equal to the debt or the amount of contributions of the member paid by the participating employer pursuant to an arrearage obligation, upon application to the board therefor accompanied by certification of the amount to be paid to the state agency or participating employer. If any application and certification under this subsection are not received by the board prior to the withdrawal of accumulated contributions by the member, the board shall not be liable to pay and shall not pay any amount from the fund pursuant to any such application and certification.

History: L. 1961, ch. 427, § 23; L. 1963, ch. 412, § 15; L. 1970, ch. 325, § 1; L. 1974, ch. 338, § 1; L. 1977, ch. 274, § 1; L. 1981, ch. 342, § 15; L. 1982, ch. 152, § 24; L. 1990, ch. 282, § 11; L. 1991, ch. 238, § 3; July 1.

Law Review and Bar Journal References:
 "Exemption Laws in Kansas: Recent Amendments and Bankruptcy Estate Planning", Mark A. Andersen, 38 K.L.R. 143, 155 (1989).
 "Bankruptcy and Divorce in Kansas", J. Scott Pohl and C. J. Wahrman, 29 W.L.J. 551, 594 (1990).
 "Divorce Law: Lis Pendens, Judgment Liens, Homestead Exemptions, and Bankruptcy", John C. Peck, Shala M. Bannister and W. Thomas Gilman, 60 J.K.B.A. No. 2, 25, 29 (1991).

CASE ANNOTATIONS

3. Cited; garnishment of social security disability benefits and lack of percentage limitations thereon examined. *Mariche v. Mariche*, 243 K. 547, 551, 758 P.2d 745 (1988).

74-4925. Retirement annuities for certain employees of the state board of regents and institutions under its management; KPERS prior service credit; tax sheltered annuities; elections to remain eligible for assistance. (1) The state board of regents shall:

(a) Assist all those members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, except health care employees, as defined by subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, in the purchase of re-

KANSAS ASSOCIATION OF COURT SERVICES OFFICERS



M E M O R A N D U M

TO: Pension and Investments and Benefits Committee
FROM: Cathy Leonhart - Legislative Chair
RE: HB 2596
DATE: January 21, 1992

We thank you for the opportunity to appear today and discuss with you the proposal to transfer Court Services Officers from KPERS to the Kansas Police and Fire Retirement System.

We currently have 323 FTE positions assigned as Court Services Officers in the Judicial Districts across the state. I have attached a listing of our basic job responsibilities. On the surface, these may not appear particularly risky. However, please make note of the fact that our work often takes us into the field. Home visits are routine in juvenile and domestic investigations. The highest risk adult clients are generally on the maximum supervision level and this also requires home visits. You will also find attached some examples of the types of threats Court Services Officers routinely receive. Our clientele are becoming more violent and more often armed and using drugs. It is very stressful to attempt to rehabilitate these individuals while protecting community safety. We believe that the level of stress and potential for harm as well as our statutory definition as law enforcement officers in KSA 22-2203 (13) qualify us to be transferred to the Kansas Police and Fire Retirement System.

The numbers that I can give you are based on a 1990 actuarial study. They indicated that it would cost \$1,587,859.00 per year over a twenty year period to amortize the cost of grandfathering all CSO's under the KP&F System. After the amortization is completed, the yearly maintenance fee is \$480,428.00.

We believe that by changing the amount of the probation fee and remitting it to KP&F we can more than pay for our retirement system through our collection efforts. More than half the states charge a supervision fee and the average amount is \$16 a month. We currently collect a one time fee of \$25 for misdemeanors and \$50 for felons. We recommend making the fee \$10 per month.

CSO's currently collect an average of 70% of the fees. As of May 1991, CSO's supervised 19,921 adult offenders. This would mean \$1,673,364.00 at a 70% collection rate. The amount needed yearly is \$1,587,859. We would collect \$85,505.00 more than needed to cover the cost.

The KPER's System simply does not meet the needs of individuals working in stressful, high risk environments. If you're 55 and have been working for 20 years in such a job, the option to retire at a living wage should be available. I urge this committee to support us in moving this bill along.

THE DUTIES OF OUR OFFICERS ARE ORGANIZED INTO FOUR MAIN AREAS;

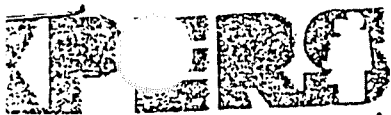
1. Adult Services
2. Juvenile Services
3. Domestic Relations Services
4. Mediation Services

These duties are governed by statute, administrative rule, and court policy. In general, these are to:

1. Conduct presentence and predispositional investigation and prepare reports as required by law. This frequently includes a restitution investigation.
2. Furnish each person placed on probation supervision a written statement of the conditions of probation and instruct the person regarding those conditions.
3. Supervise and counsel persons on probation consistent with conditions of probation imposed by the court.
4. Bring to the court's attention any modification in the conditions of probation considered advisable.
5. Notify the court when a violation of condition of probation occurs.
6. Cooperate with public and private agencies and other persons concerned with the treatment or welfare of persons on probation and assist probationers in obtaining services from those agencies and persons.
7. Keep accurate records of cases investigated and all cases assigned by the court for supervision and make these records available to the court upon request.
8. Assist the court in transferring supervision of a person on probation to a court in another jurisdiction.
9. Perform as a misdemeanor parole officer when ordered by the court.
10. Provide investigation and supervision services for the court on persons being considered for bond release.
11. Perform supervision of and reintegration planning for children in need of care for cases not placed with the Department of Social and Rehabilitation Services.
12. Conduct investigations and report on custodial arrangements for children involved in a divorce action.

13. Assist courts, prosecuting attorneys, and other law enforcement officials in making decisions regarding diversion of charged persons to appropriate alternatives to court trial. May include supervision of persons placed on diversion status.

14. Conduct mediation services as directed by the court in child custody and visitation matters.



Kansas Public Employees Retirement System
SHALL CROWTHER, Executive Secretary

RECEIVED

NOV 21 1990

Office of
Judicial Administrator

November 20, 1990

Howard Schwartz
Judicial Administration
Supreme Court of Kansas
Kansas Judicial Center
301 West 10th
Topeka, KS 66612-1507

Dear Mr. Schwartz:

I am enclosing the actuarial study which we received from our actuaries regarding the possible transfer of the Court Services Officers from the Kansas Public Employees Retirement System to the Kansas Police and Firemen's Retirement System.

Also enclosed you will find a statement for actuarial services. Payment should be made directly to:

Martin E. Segal
One Park Avenue
New York, NY 10016-5895

I would note that the employer contributions rate which appears as a percent of payroll on the second page of the study does include the cost of administration.

If after examining this information, you have any questions or we can be of assistance, please contact Dean Kelley of this office.

Very truly yours,


Judy Lambert
Chief of Member Services

JL:dkk
Enc.

MAURICE E. SEGAL COMPANIES
SEGAL ASSOCIATES
BENEFITS, COMPENSATION AND ACTUARIAL CONSULTANTS

ONE PARK AVENUE
NEW YORK, NEW YORK 10016-5895
(212) 251-5000
FAX: (212) 251-5490

HENRY BROWNSTEIN, A.S.A., M.A.A.A.
VICE PRESIDENT & ACTUARY
DIRECT DIAL: (212) 251-3328

RECEIVED
90 NOV 15 09:33

KANSAS
PUBLIC EMPLOYEES
RETIREMENT SYSTEM

November 13, 1990

Ms. Judy Lambert
Chief of Member Services
Kansas Public Employees Retirement System
Capitol Tower - 2nd Floor
400 West 8th
Topeka, Kansas 66603

Re: Kansas Association of Court Services Officers

Dear Ms. Lambert:

Enclosed is our Actuarial Certification concerning the application of the employer specified above to enter the Kansas Police and Firemen's System as of January 1, 1991. Our calculations reflect the transfer of KPERS employee contributions and service under KPERS.

Our bill for the actuarial services performed in connection with the application is also enclosed.

Sincerely,



Henry Brownstein

HB:ns

Encl.

cc: Marshall Crowther
Jack L. Hawn

RECEIVED

90 NOV 15 A 9:33

KANSAS POLICE AND FIREMEN'S RETIREMENT SYSTEM
November 13, 1990

KANSAS POLICE AND FIREMEN'S RETIREMENT SYSTEM

Actuarial Certification as of January 1, 1991

Municipality - Kansas Association of Court Services Officers

Coverage under Social Security - Yes

Coverage under previous municipal retirement system - No

Coverage under KPERS - Yes

Data on employees

Number	-	323
Average age	-	37½
Average service	-	7½
Annual payroll	-	\$ 8,428,558

Employer cost factors

Normal Cost

Amount	-	\$ 480,428
Percentage of payroll	-	5.7%

Accrued liability - \$14,170,472

Estimated assets transferred from KPERS - \$ 2,904,418

Unfunded accrued liability - \$11,266,054

Employer contribution for 1991
January 1

<u>Amortization period</u>	<u>Amount</u>	<u>Percent of Payroll</u>
40 years	\$1,392,233	16.52% *
30 years	1,446,242	17.16
20 years	1,587,859	18.84

Henry Brownstein, A.S.A., M.A.A.A.
Vice President and Actuary

HB:ns

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1578

(913) 296-2436
FAX (913) 296-0231

JOAN FINNEY, GOVERNOR

April 18, 1991

The Honorable Don Rezac, Chairperson
Committee on Pensions, Investments and Benefits
House of Representatives
Third Floor, Statehouse

Dear Representative Rezac:

SUBJECT: Fiscal Note for HB 2596 by Committee on
Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2596 is respectfully submitted to your committee.

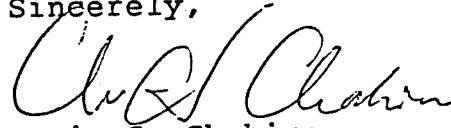
HB 2596 provides that certain court service employees designated by the Supreme Court would become members of the Kansas Police and Firemen's Retirement System upon affiliation by the state with regard to coverage for the court service officers and employees. The bill further provides that the funding of employer contributions are to come from the probation or community correctional services fee of \$8 per person per month with the fee to be deposited in the Kansas Public Employees Retirement Fund.

As the employer costs are paid from the probation or community correction services fee charges, the bill would have no impact of the State General Fund for retirement benefits. However, as this charge replaces the current fee that is deposited in the State General Fund, receipts to the state are estimated to decrease by \$351,000 on an annual basis beginning in FY 1992. Employee contributions would increase from four percent to seven percent and employees would continue to contribute to social security.

Honorable Don Rezac
April 17, 1991
Page Two

According to the Office of Judicial Administration a one-time expenditure of \$187,500 would be charged to county general funds and \$18,000 would be charged to the State General Fund on an annual basis beginning in FY 1992.

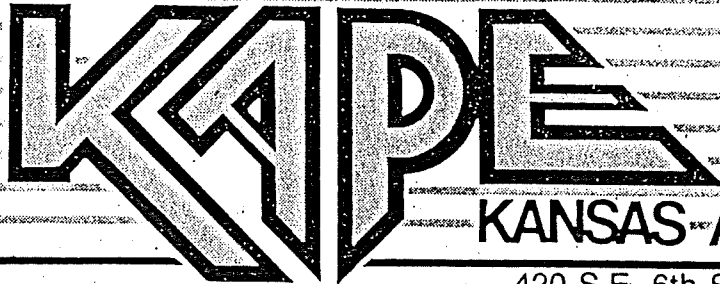
Sincerely,



Louis S. Chabira
Deputy Director

cc: Jack Hawn, KPERS
Jerry Sloan, Judicial Branch

4206



KANSAS ASSOCIATION OF PUBLIC EMPLOYEES

420 S.E. 6th St., Suite 22 • Topeka, Kansas 66607 •

Cobler Labels KPERS Benefits 'Inadequate'

Secretary of Administration James Cobler recently blasted the state's retirement system benefits as "woefully inadequate."

Cobler made the comment during recent testimony before a legislative committee. A Topeka newspaper reported that his comment "echoed" the position of the Kansas Association of Public Employees, which has long lobbied for improvements in KPERS benefits.

Cobler, who said he was expressing his personal opinion, told the Legislative Budget Committee that state employees "play games" to increase their final average salary in order to raise their monthly benefits after retirement.

"KPERS benefits are not all they're cracked up to be," Cobler said. "KPERS is a poor system and if you compare it with the 49 other states I think you'll find it woefully inadequate."

In an article written by Roger Myers in The Topeka Capital-Journal, Cobler's testimony was described as similar to comments made to the legislature by a KAPE official. The Myers article

"Cobler's comments echoed those of Charles Dodson, KAPE executive director, to the last session of the legislature.

"Dodson complained that KPERS benefits are among the lowest of any state retirement system and that Kansas should use a higher multiplier factor in its formula for calculating pension benefits.

"Both Cobler and Dodson suggested using the same multiplier factor that was used in computing benefits for a special legislative retirement program that was repealed by the 1991 Legislature," the newspaper article read.

Under the state's retirement system, benefits are computed on the basis of the final average salary times the total number of years employed. That figure is then multiplied by a factor of 1.4 to determine a worker's monthly benefit.

Final average salary is calculated using an employee's three highest salary years, usually the last three years he or she works.

the retirement plan.

"There are 28 or more states that use a factor of 2.0, and a number of others which use a factor of 1.5 but base it on the highest salary," Cobler told the legislative committee.

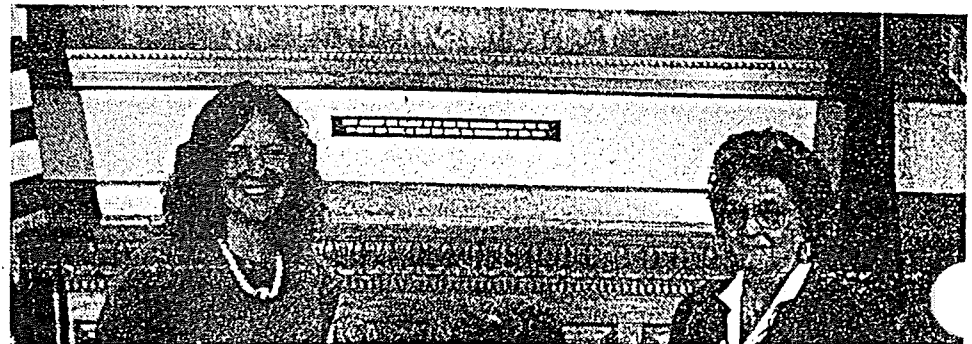
Cobler noted that payment for accumulated sick leave and unused vacation days can increase a state employee's salary in the year they retire by several thousand dollars.

"That's one of the reasons that people play the games they do," Cobler

said, "because KPERS benefits are too low."

Cobler's comments regarding KPERS benefits were made during a discussion about state payments for accumulated sick leave and unused vacation time.

Sen. Gus Bogina (R-Shawnee), a member of the committee, noted the state's policy of paying employees for accumulated sick leave and unused vacation time when they leave state service affects their KPERS benefits, and that prompted Cobler to rip into the system.



ON THE LINE
JANUARY 1992
VOL. 15 NO. 1

Probation and Parole Fee Programs Surveyed

Offenders in 28 states are now charged probation supervision fees, and offenders in 21 states must pay parole supervision fees, according to *Corrections Compendium* survey published in October.

The survey found that probation and parole supervision fees average between \$10 and \$30 a month. Parolees in Tennessee pay just \$5 a month, while probationers in Louisiana pay as much as \$100. In some states, offenders who can't af-

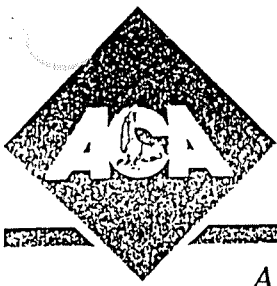
ford the fees may be exempted from the charges and in some states community service may be substituted.

Seven states are considering imposing fees for parolees, and five are looking at charging fees to probationers, according to the survey. Several other states have stopped their fee collection programs because they did not generate enough money to make them worthwhile. ♦

Local Forum

~~CALIFORNIA~~—Inmates at the San Francisco County Jail have turned two vacant lots into a farm that supplies seven city soup kitchens with food that feeds about 3,000 people a day. Inmates in the

~~mates transferred there from SCI-Camp Hill following riots at Camp Hill in October 1988. The officers were indicted by a federal grand jury after a two-year state investigation. Five other officers involved in~~



On the Line

A Publication of the American Correctional Association

January 1991—Vol. 14, No. 1

Probation, Parole Officers Face Increased Violence

Three out of five probation and parole officers will face verbal or physical violence from offenders at least once during their careers, according to a Pennsylvania State University study.

"The more punitive approach toward offenders has made life correspondingly more difficult for parole and probation officers," said William H. Parsonage, associate professor of administration justice. "They face mounting threats of verbal intimidation, harassment, property loss and even physical assault."

The recent survey covered seven states (Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania and Vermont) and found that about 60 percent of all probation and parole workers report some kind of victimization during their careers. Thirty percent

reported at least one such event in the past year.

"During the past 20 years, American society has become increasingly frustrated by the drug problem and the seeming inability of traditional institutions to deal with it. As a result, the focus of corrections is now harsh penalties, punishment and confinement—not rehabilitation," Parsonage said. "This has caused a dramatic change in the role of parole and probation officers."

Another survey of Pennsylvania probation and parole workers revealed that 62 percent of the 1,399 respondents were victimized at least once in the course of their careers; for managers and supervisors, the percentage was 69. Nineteen percent of clerical and staff workers also reported some kind of victimization in the

workplace.

Joe A. Miller, associate professor of community health education and co-author of "A Study of Probation and Parole Worker Safety in the Middle Atlantic Region," said the Pennsylvania study parallels a recent survey by the New York Division of Probation and Correctional Alternatives indicating a 54.7 percent victimization rate for New York probation and parole officers from 1984 to 1987.

Police, corrections, probation and parole workers who experience threats and actual violence are often not considered victims because they are expected to deal with potentially dangerous people and situations, according to the study.

"They do not fit the public perception of victim as an innocent person harmed in the course of minding his or her own business," Miller said. ♦

NIJ Offers Tips on Collecting Fees From Offenders

With correctional costs skyrocketing, the concept of correctional fees—forcing offenders to contribute to their own supervision costs—has gained widespread acceptance. By 1988, various types of fees were used in 48 states. Statutes authorized charging fees to probationers in 28 states, to jail inmates in 26 states, to parolees in 15 states and to prison inmates in 39 states.

The National Institute of Justice recently released a report titled "Recovering Correctional Costs Through Offender Fees" that reviews the history of offender fees and offers recommendations to raise revenues. Among the suggestions:

- Try to gain assurances from policy makers that normal appropriations will not be cut in response to new revenue

- generated by fees.
- Emphasize monthly supervision and room and board fees. Supervision fees can be levied on a large portion of the inmate population, and room and board fees can substantially cut the cost of residential programs.
- Avoid low supervision fees. A low monthly fee—\$5 a month—may cost more to collect than it produces in revenue.
- Develop a specific policy on non-payment. Prompt action deters others from not paying and prevents the accumulation of debt, which may force an offender to abscond. Revocation and confinement should be avoided. ♦

2nd Judicial District

1. A C.S.O. reports that a juvenile's mother threatened her last year after a motion to revoke probation hearing.
2. A C.S.O. reports a client broke into the office and left a threatening note which was directed to her.
3. A C.S.O. reports that upon visiting in a client's home, the client threatened to cut his head off with a chain saw (he had in his possession at the time).

15th Judicial District

1. One C.S.O. had all four tires on her car slashed by a juvenile client.
2. A client threatened to "get" anyone who had anything to do with his sentencing - the C.S.O. was primary since she did the Presentence Report and recommended the sentence.

18th Judicial District

1. Have received obscene phone calls. Have been threatened by a youth going to YCAT - said he'd come back to get me. Have been threatened by a parent.
2. Car has been stolen three times. House broken into three times.
3. Have had a threatening statement made by client going to a youth center.
4. Clients calling my parents' home trying to find out where I live and if they're related or not - then hang up calls when no information given. I have been kicked and hit while restraining and/or escorting clients to YRH (Youth Residential Hall) in Wichita for detention.
5. Base case created for terroristic threats made against me by a client's family. Statements were made on record that they were going to rape and torture me before eventually killing me. Also, I have received obscene phone calls. Client's family threatened to "blow me up". (Brother had served time in prison for making pipe bombs)."
6. Threatened by father of boy being brought by Sheriff in Hutchinson to YRH (Youth Residential Hall) in Wichita. YRH

telephoned me at home stating father said, "They'll be bloodshed on everyone concerned with my son's case." We called guards into courtroom. The father of a son called me at home, at work, acted as though he'd been following me and described route I drove home by, sports I played - said he'd get me. I called police and reported. Got word via others that a mother would have a gun on her person during court hearing. Our car (four weeks ago) window broken, dashboard cut up, car stereo stolen. Have about three probationers who live within one mile radius. Father of two sons made threats "somebody's going to die if they take my kids" at upcoming court hearing.

7. Made home visits on all types of cases from sexual molesters to parents who have brutally beaten their children, parents who had severe mental disorders. Have had office visit with father who had severe mental disorders. Have had office visit with father who coroner felt murdered his wife but he didn't have the case proven yet. Have had to search female clients who threatened to bring knives to court - found tape recorded taped to their leg - no knife though.
8. Anytime we go to a residence to talk with a client or to serve someone is a potentially dangerous situation.
9. Several years ago, a health nurse and I made a home visit together. The father chased us to my car with a butcher knife. We locked ourselves in my car while he stood outside waving the butcher knife for several minutes. He called later to apologize. Dogs are always a big problem. I have had them snap at me and jump on the hood of the car looking in the windshield at me. At a housing project while on a home visit, a mother threatened to push me down the stairs and did push my back but not hard enough to cause me to lose my balance. I have had to go into a known crack house on one occasion searching for a father. Fortunately, the occupants were too doped to cause any problems. Exposure to head lice, illness and disease are a concern. I have been physically prevented from leaving a home visit by a father who locked and then stood in front of a door while screaming at me. Housing conditions are one of the worst hazards. Rickety or non-existent stairways can be very hazardous combined with an angry client and/or growling dog. Having to serve people was very dangerous. I have been hit in the back of the head with a wadded up notice of hearing, door slammed on my fingers (accidentally) and had a fireplace iron swung at me and the officer who accompanied me. I can document all of these incidents with case names if necessary. Several houses I have been in have been bug infested - unbelievable cases - horrible stench.

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10. A woman four times the size of me who was schizophrenic locked her door with all three locks after I entered her home to interview her, screamed at the top of her lungs for over fifteen minutes, pushed me up against the couch saying I had taken her kids from her, although we had never met. On a later visit, accompanied by a male staff person, she swung the door open knocking us off the porch screaming she wasn't going to deal with any court people.
11. Once a female bull rider who had her front teeth missing due to a fight (in which she said she won) said on a home visit that she would physically throw us (another C.S.O. was with me) out the door, but she calmed down when we stopped the interview. Her psychologist later called the court informing the C.S.O. to beware that this person was violent and the C.S.O. was on her target list, as no one was entitled to ask any questions about them. There have been death threats made against C.S.O.'s and C.S.O.'s children by a female known to be connected with mafia-like people.
12. I was threatened to be killed by three youth I had on probation. I have been threatened by parents and pimps. I have received harassing phone calls. I had my car vandalized while I was making a home visit.

24th Judicial District

1. A C.S.O.'s tires were all four slashed by a juvenile client.
2. A police officer escorted a C.S.O. to a client's home to investigate a probation violation. The client was drunk and therefore placed under arrest by the C.S.O.. The client physically fought both the C.S.O. and police officer. The client was handcuffed and escorted to the police car. The client then kicked out the police officer's car's windshield and spit on the C.S.O. and police officer.
3. A C.S.O. and police officer went to a home to investigate a child abuse case. Upon arriving a man answered the door and said he was going to get his gun. The C.S.O. and police officer physically restrained the man before he could get a weapon.
4. A juvenile client told the C.S.O. to get out of his face before he hurt her.
5. An adult probationer told the C.S.O. he was going to "kick her ----- face in" when she arrested him for probation violation

6. A domestic client told the C.S.O. he was going to kill her after his daughter had been taken away from him.
7. A domestic client verbally abused the CSO over a report to the Court that confirmed he had physically abused his wife.
8. An adult client that was just sentenced to prison told the C.S.O. he "doesn't get mad - he gets even."
9. Another adult client, just sentenced to prison threatened to kill the Judge, the County Attorney and the C.S.O..
10. A domestic client threatened to blow his ex-wife's head off and threatened to come to the C.S.O.'s office with a gun because she wasn't doing her job.

25th Judicial District

1. According to the Chief Court Services Officer in the Garden City area, a C.S.O. was fired upon a couple of months ago.

29th Judicial District

1. In May of 1989, one of our female C.S.O.'s went on a home visit to the home of an aunt of a girl waiting for disposition in the Juvenile Department. There was no information known to the C.S.O. at that time that would have alerted the C.S.O. to any possible danger. While the C.S.O. was in the home, the girl's mother showed up at the aunt's house. The aunt and the mother do not get along and began fighting, first verbally, then physically. Our C.S.O. was seated on the couch when this started and was unable to get out of the way. Both women ended up rolling over our C.S.O. before she was able to get up and leave the home. Once she did leave the house, she called the police. Our C.S.O. did not receive any injuries, but the incident was certainly frightening.
2. On June 12, 1990, two individuals entered our detention facility armed with sawed off shotguns. They held the staff at gunpoint, broke their friend out of detention, and forced our staff into a detention room and locked the door. Other residents then broke out of their rooms, and some even lit some blankets on fire in a further attempt to break out of the facility. The police were slow in responding to the incident.
3. On June 18, 1990, there was a detention hearing in the Juvenile Department on two gang involved juveniles who were

charged in a drive-by shooting in which a sixteen year old juvenile was killed. About the time the hearing was to start, several other juveniles dressing in gang colors began showing up at the Court. These people were asked to leave the building. Word was sent to our sheriff for extra security, and they did send down several officers. There were two officers outside at the front door, one with a drawn semi-automatic assault rifle, and two officers with drawn shotguns at the back door. Two carloads of juveniles dressed in gang colors were seen on Tauromee and Sixth streets very near the Court. Had extra security not been so evident, I am sure there would have been major trouble.

4. On July 2, 1990, there were waiver hearings on two juveniles who had been involved in killings (one was also involved in the incident above). Extra security had been requested in advance. The sheriff's department was present in force. Even so, at least four carloads of juveniles in gang colors were seen in the immediate area of the Juvenile Court. Because of the extra security, nothing happened.
5. On July 21, 1990, a shot, which penetrated the bedroom closet, was fired through the home of an officer. The officer had been working with gangs and had been threatened by a youth that is now incarcerated. Two youths that live in the neighborhood are alleged to be members of the gang. The staff member is having to move to another area of town.

31st Judicial District

1. Male C.S.O. threatened by male client in Fredonia office.
2. Male C.S.O. threatened by male client at Wilson County Sheriff's Office.
3. Male C.S.O. threatened by male client in Chanute office.
4. Male C.S.O. in Yates Center office threatened by male client.
5. Female C.S.O. trapped and threatened in restroom in Neosho City by mother and sister of male client.
6. Male C.S.O. threatened by male client in Iola office.
7. Female trapped and threatened in Chanute office by male client.

Kansas City Star - January 11, 1989

According to Jackson County authorities, a juvenile officer was shot to death on Tuesday afternoon while taking a juvenile to the detention center.

American Red Cross Pamphlet - 1989

An article in an American Red Cross pamphlet from 1989 states, "public safety workers often face assaultive behavior on the job, such as biting, spitting, scratching, and sometimes throwing of urine or feces. Police and correctional officers often face even more aggressive behaviors.

Corrections Compendium - May 1990

A man with a lengthy criminal record has been charged with murdering Oregon Director of Corrections Michael Francke in January 1989.

HOUSE BILL No. 2596

By Committee on Appropriations

3-21

8 AN ACT concerning the Kansas police and firemen's retirement
9 system; relating to court services officers as members thereof;
10 providing for the funding of such membership; amending K.S.A.
11 21-4610a and repealing the existing section.
12

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

14 New Section 1. (1) As used in this section "court services officer"
15 means any person as certified to the board by the supreme court
16 who is employed on or after the effective date of this act as an
17 employee of the state appointed by the district courts:

18 (a) Who is in any position in a job class in the court services
19 officer series including but not limited to court services officer I,
20 court services officer II, court services officer III or court services
21 administrative officer, as all such job classes are described on the
22 effective date of this act in the state job classification plan in effect
23 for the classified service under the Kansas civil service act or who
24 is in a position in any successor job class or classes that have been
25 approved under K.S.A. 75-2938 and amendments thereto, and that
26 have substantially the same duties and responsibilities thereof; or

27 (b) who is in any position for which the duties and responsibilities
28 directly and primarily involve supervising other court services officers
29 and clients and otherwise assisting clients who are persons under
30 the jurisdiction of the district court or are being furnished auxiliary
31 services by the district court.

32 (2) For purposes of any affiliation under subsection (3), whenever
33 the words police or firemen are used in K.S.A. 74-4951 *et seq.* and
34 amendments thereto, it shall be construed to include court services
35 officer as defined by subsection (1).

36 (3) The state may make application to affiliate with the Kansas
37 police and firemen's retirement system in accordance with and sub-
38 ject to K.S.A. 74-4954 and amendments thereto with regard to cov-
39 erage of court services officers under that system.

40 (4) Any amounts remitted to the system as provided in K.S.A.
41 21-4610a and amendments thereto shall be applied to the cost of
42 affiliation and participation for court services officers in the Kansas
43 police and firemen's retirement system as provided in this section.

1 Sec. 2. K.S.A. 21-4610a is hereby amended to read as follows:
 2 21-4610a. (a) Each person placed under the probation supervision of
 3 a court services officer or other officer or employee of the judicial
 4 branch by a judge of the district court under K.S.A. 21-4610 and
 5 amendments thereto and each person assigned to a community cor-
 6 rectional services program shall pay a probation or community cor-
 7 rectional services fee. If the person was convicted of a
 8 misdemeanor, the amount of the probation services fee is \$25
 9 and if the person was convicted of a felony, the amount of the
 10 probation or community correctional services fee is \$50 The
 11 ~~probation or community correctional services fee imposed by this~~
 12 ~~section shall be and such person shall pay an amount equal to \$8~~
 13 ~~per month for each month that such person is placed under the~~
 14 ~~probation supervision of a court services officer or other officer or~~
 15 ~~employee of the judicial branch by a judge of the district court~~
 16 ~~under K.S.A. 21-4610 and amendments thereto or assigned to a~~
 17 ~~community correctional services program, except that in any case~~
 18 the amount of the probation or community correctional services fee
 19 specified by this section may be reduced or waived by the judge if
 20 the person is unable to pay that amount.
 21 (b) The probation or community correctional services fee imposed
 22 by this section shall be charged and collected by the district court.
 23 The clerk of the district court shall remit at least monthly all revenues
 24 received under this section from probation or community correctional
 25 services fees to the state treasurer. Upon receipt of each such
 26 remittance, the state treasurer shall deposit the entire amount
 27 thereof in the state treasury to the credit of the state general
 28 fund ~~Kansas public employees retirement system for deposit in the~~
 29 ~~Kansas public employees retirement system fund.~~
 30 (c) This section shall not apply to persons placed on probation
 31 or released on parole to reside in Kansas under the uniform act for
 32 out-of-state parolee supervision.
 33 Sec. 3. K.S.A. 21-4610a is hereby repealed.
 34 Sec. 4. This act shall take effect and be in force from and after
 35 its publication in the statute book.

placed under probation supervision

\$10

. The community correctional services fee imposed by this section shall be and such person assigned to a community correctional services program shall pay: (1) An amount equal to \$25, if such person was convicted of a misdemeanor; and (2) an amount equal to \$50, if such person was convicted of a felony. In

as follows: (1) Probation services fees shall be remitted to the ; and (2) community correctional services fees shall be remitted to the state treasurer for deposit in the state treasury to be credited to the state general fund

House Bill No. 2596
House Pensions, Investments and Benefits
January 22, 1992

Testimony of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administration

Mr. Chairman and members of the committee:

We want to thank you for allowing us to appear today and discuss with you a proposal to transfer our Court Services Officers from KPERS to the Kansas Police and Fire Retirement System.

We presently have 325.0 authorized FTE positions dedicated to Court Service functions in the Judicial Branch. Each Judicial District has a court services division, except the 25th and 26th judicial districts where one court services staff provides support for both districts.

The Supreme Court ordered a 4% cut this fiscal year of nonjudicial employees due to our budget situation. We lost a total of 57 positions with 26.5 CSO positions being cut.

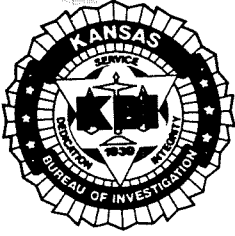
Our position on this bill is a neutral position but with concerns of the funding provisions proposed in the bill. This proposal impacts our accounting system in the district courts and will have a fiscal impact.

On page 2, lines 7 through 11 delete the present charge of \$50 for felons and \$25 for misdemeanants placed under supervision by the court system or sentenced to community corrections which is collected by the Clerks of the District Court and placed into the State General Fund under Clerks Fees State. This is being replaced by an amount equal to \$8 per month for each month that such person is placed under the probation supervision of our CSOs.

Under the proposal the Clerks of the District Court would establish a new fund titled the Kansas Public Employees Retirement System Fund and place all collections into that fund. This impact will require mainframe computer reprogramming at a cost of \$180,000, new manual accounting forms at a cost of \$7,500 and \$216 for manual changes. With less positions and less funding for training and education for our employees new programs have a big impact on our system.

I would suggest that instead of setting up a separate fund and the associated problems for our district court accounting systems, that any funds raised be dedicated to the State General Fund and that additional money be appropriated to fund the retirement system change. While there would still be additional accounting transactions because of monthly payments, this would have less of an impact on the district courts.

I thank you for your consideration to our concerns.



JAMES G. MALSON
DIRECTOR

KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL

STATE OF KANSAS

1620 TYLER

TOPEKA, KANSAS 66612-1837

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ROBERT T. STEPHAN
ATTORNEY GENERAL

TESTIMONY

KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
ON BEHALF OF JAMES G. MALSON, DIRECTOR
KANSAS BUREAU OF INVESTIGATION
BEFORE THE HOUSE COMMITTEE
ON PENSIONS, INVESTMENTS AND BENEFITS
REGARDING HOUSE BILL 2597
JANUARY 22, 1992

Mr. Chairman and Members of the Committee:

My name is Kyle Smith, Assistant Attorney General assigned to the Kansas Bureau of Investigation (KBI). I appear today on behalf of the Director of the KBI, James G. Malson, to testify in support of House Bill 2597. This bill was introduced last year at our request in an effort to obtain prior service credit for five of our agents, a portion of who's careers as law enforcement officers have fallen into a statutory gap. These five agents started out their employment with the Kansas Bureau of Investigation as Narcotic Violation Investigators (NVI), sometimes known as narcotic special agents. This would have been in the early 1970's and as such they worked as undercover law enforcement officers, exclusively on drug enforcement cases. Their activities at that time were primarily undercover purchasing of narcotics and investigating narcotic traffickers. However, they were not filling "agent" positions under the appropriation bills at that time and so their benefits were accumulated under the Kansas Public Employees Retirement System (KPERs), rather than the Kansas Police and Fire Program (KP&F).

Pensions, Investments & Benefits
Attachment #5
1-22-92

Page 2

In 1979 the distinction was disposed of and the narcotic violation investigators became regular KBI Special Agents, and as such enrolled in KP&F. However, they were not allowed to transfer their service time as narcotic violation investigators over and receive credit for the time they served in that capacity. Five of those investigators are still agents with the KBI and each of them has now obtained at least ten years under KP&F.

Traditionally, the requirements for KP&F participation have been based on the traditional risk, stress and health requirements acquired in public safety employment. Clearly, undercover investigation of drug traffickers is one of, if not the, highest stress and most dangerous assignments in law enforcement. These agents have developed into some of the best employees of the KBI and it is the feeling of the Director that their prior service should be appropriately credited under the KP&F system.

There are five agents who would come under this bill. The times involved range from four months to a little over eight years and three months and there would be no immediate fiscal impact on the budget. I have spoken with Mr. Meredith Williams at KPERS and they have no objection to this bill. Given the service they have provided to the State of Kansas in fighting the drug war, I think it is appropriate that the State recognize their efforts and grant them credit for the time they served, albeit under a different title.

I would be happy to answer any questions.

**SELECTED RETIREMENT
STATISTICS**

**COMPARISON OF THE
50 STATES**

COMPILED BY

KANSAS NATIONAL EDUCATION ASSOCIATION

FORWARD

The following pages of statistics reflect a comparison of the 50 states in regard to educator retirement. The data was gleaned from a 1990 survey done by the Wisconsin Education Association Council which explains why Wisconsin is the last entry on each page. Some states, like Kansas, have different benefits for different classes of state employees. Only school employee information was used in this publication. An asterisk by the state name means that those school employees are not covered by Social Security.

No effort was made to rank the information or attempt to update any information from the 1990 survey. It is apparent, however, that Kansas educators fall short of the national trend in many of the items in the study.

It is hoped that this information will be helpful to decision makers in their study of retirement benefits for Kansas educators. Further information could be obtained by contacting the Political Action Department of Kansas National Education Association, 715 West 10th Street, Topeka, Kansas, 66612 (913-232-8271).

MULTIPLIER FACTOR USED TO DETERMINE RETIREMENT BENEFITS

<u>STATE</u>	<u>FACTOR</u>
ALABAMA	2.0125
ALASKA*	2.0 FIRST 20YRS 4.5 AFTER
ARIZONA	2.0
ARKANSAS	1.75
CALIFORNIA*	2.0
COLORADO*	2.5 FIRST 20YRS 3.75 AFTER
CONNECTICUT	2.0
DELAWARE	1.67
FLORIDA	1.6-AT 62 1.68 AT 65
GEORGIA	2.0
HAWAII	1.25
IDAHO	1.67
ILLINOIS*	1.67-2.3 RANGE
INDIANA	1.1 PLUS ANNUITY
IOWA	1.67
KANSAS	1.4- 1.5 WITH 35YRS
KENTUCTY*	2.5
LOUISIANA*	2.5
MAINE*	2.0
MARYLAND	.8 FIRST \$18,600 1.5 REST
MASSACHUSETTS	2.5
MICHIGAN	1.5
MINNESOTA	1.5
MISSISSIPPI	1.875 FIRST 30YRS+2.0 AFTER
MISSOURI*	2.1
MONTANA	1.67
NEBRASKA	1.65
NEVADA*	2.5
NEW HAMPSHIRE	1.67
NEW JERSEY	1.67
NEW MEXICO	2.15
NEW YORK	2.0 FIRST 30YRS 3.5 REST
NORTH CAROLINA	1.63
NORTH DAKOTA	1.275
OHIO*	2.1 FIRST 30YRS 4.6 REST
OKLAHOMA	2.0
OREGON	1.67
PENNSYLVANIA	2.0
RHODE ISLAND	1.7-3.0 RANGE
SOUTH CAROLINA	1.82
SOUTH DAKOTA	1.25
TENNESSEE	1.5 + .25 FOR ALL OVER \$16,800
TEXAS	2.0
UTAH	2.0
VERMONT	1.25
VIRGINIA	1.65
WASHINGTON	2.0
WEST VIRGINIA	2.0
WYOMING	2.0
WISCONSIN	1.6

FINAL AVERAGE SALARY TO DETERMINE RETIREMENT BENEFITS

<u>STATE</u>	<u>FAS (IN YEARS)</u>
ALABAMA	3
ALASKA*	3
ARIZONA	3
ARKANSAS	5
CALIFORNIA*	3
COLORADO*	3
CONNECTICUT	3
DELAWARE	5
FLORIDA	5
GEORGIA	2
HAWAII	3
IDAHO	5
ILLINOIS*	4
INDIANA	5
IOWA	3
KANSAS	4
KENTUCTY*	5
LOUISIANA*	3
MAINE*	3
MARYLAND	3
MASSACHUSETTS	3
MICHIGAN	5/3 CHOICE
MINNESOTA	5
MISSISSIPPI	4
MISSOURI*	5
MONTANA	3
NEBRASKA	3
NEVADA*	3
NEW HAMPSHIRE	3
NEW JERSEY	3
NEW MEXICO	5
NEW YORK	3
NORTH CAROLINA	4
NORTH DAKOTA	3
OHIO*	3
OKLAHOMA	3
OREGON	3
PENNSYLVANIA	3
RHODE ISLAND	3
SOUTH CAROLINA	3
SOUTH DAKOTA	3
TENNESSEE	5
TEXAS	3
UTAH	3
VERMONT	3
VIRGINIA	3
WASHINGTON	5
WEST VIRGINIA	5
WYOMING	3
WISCONSIN	3

NORMAL RETIREMENT

<u>STATE</u>	<u>AGE/YEARS SERVICE</u>
ALABAMA	60/10 ANY/25
ALASKA*	55/8 ANY/20
ARIZONA	65/ANY 62/10 85-OUT
ARKANSAS	60/10 ANY/30
CALIFORNIA*	60/5
COLORADO*	65/ANY 60/20 55/30 ANY/35
CONNECTICUT	60/20 ANY/35
DELAWARE	65/ANY 60/15 ANY/35
FLORIDA	62/10 ANY/30
GEORGIA	62/10 ANY/30
HAWAII	62/10 55/30
IDAHO	65/ANY 90-OUT
ILLINOIS*	62/5 60/10 55/35
INDIANA	65/ANY 60/15 85-OUT
IOWA	65/ANY 92-OUT IF 30 YEARS
KANSAS	65/ANY 60/35 ANY/40
KENTUCTY*	60/5 ANY/27
LOUISIANA*	65/ANY 55/25 ANY/30
MAINE*	60/10
MARYLAND	65/2 64/3 62/5 ANY/30
MASSACHUSETTS	65/ANY
MICHIGAN	60/10
MINNESOTA	NORMAL SOCIAL SECURITY AGE
MISSISSIPPI	60/4 55/25 ANY/30
MISSOURI*	60/5 ANY/30
MONTANA	60/ANY ANY/25
NEBRASKA	65/ANY 60/35
NEVADA*	65/ANY 60/10 ANY/30
NEW HAMPSHIRE	60/ANY
NEW JERSEY	60/ANY 55/25
NEW MEXICO	65/ANY ANY/25 75-OUT
NEW YORK	62/10 55/30
NORTH CAROLINA	65/ANY 60/25 ANY/30
NORTH DAKOTA	65/ANY 85-OUT
OHIO*	65/ANY ANY/30
OKLAHOMA	62/10 80-OUT
OREGON	58/ANY 55/30
PENNSYLVANIA	62/ANY 60/30 ANY/35
RHODE ISLAND	60/10 ANY/28
SOUTH CAROLINA	65/ANY ANY/30
SOUTH DAKOTA	65/ANY 60/85-OUT
TENNESSEE	60/10 ANY/30
TEXAS	65/ANY 60/20 55/30
UTAH	65/ANY ANY/30
VERMONT	62/10
VIRGINIA	65/ANY 55/30
WASHINGTON	65/ANY
WEST VIRGINIA	60/5 55/30 ANY/35
WYOMING	60/4
WISCONSIN	65/ANY 57/30

POST RETIREMENT INCREASES

<u>STATE</u>	<u>INCREASES</u>
ALABAMA	AD HOC
ALASKA*	CPI-4% CAP
ARIZONA	AD HOC
ARKANSAS	CPI-3% CAP
CALIFORNIA*	2% ANNUAL
COLORADO*	CPI-3% CAP + AD HOC
CONNECTICUT	CPI-3%-5% RANGE
DELAWARE	AD HOC
FLORIDA	3% ANNUAL
GEORGIA	CPI-11/2% EACH 6 MONTHS
HAWAII	21/2% ANNUAL
IDAHO	CPI-1%-6% RANGE
ILLINOIS*	3% ANNUAL
INDIANA	AD HOC
IOWA	AD HOC
KANSAS	AD HOC
KENTUCTY*	1% ANNUAL + AD HOC
LOUISIANA*	CPI-3% CAP IF FUNDED
MAINE*	CPI-4% CAP
MARYLAND	CPI-3% CAP
MASSACHUSETTS	3% ANNUAL OF FIRST \$9,000
MICHIGAN	3% ANNUAL
MINNESOTA	INVESTMENT EXPERIENCE INCOME
MISSISSIPPI	CPI-21/2% CAP + AD HOC
MISSOURI*	CPI-4% CAP
MONTANA	EXCESS INVESTMENT COLA
NEBRASKA	AD HOC
NEVADA*	2% ANNUAL-3% AFTER 10 YEARS
NEW HAMPSHIRE	AD HOC
NEW JERSEY	60% OF CPI
NEW MEXICO	1/2 OF CPI-4% CAP
NEW YORK	AD HOC
NORTH CAROLINA	CPI- IF INVESTMENT ALLOWS
NORTH DAKOTA	AD HOC
OHIO*	CPI-3% CAP
OKLAHOMA	AD HOC
OREGON	CPI-2% CAP
PENNSYLVANIA	AD HOC
RHODE ISLAND	3% ANNUAL
SOUTH CAROLINA	CPI-4% CAP
SOUTH DAKOTA	3% ANNUAL
TENNESSEE	CPI-3% CAP
TEXAS	AD HOC
UTAH	CPI-4% CAP
VERMONT	CPI-5% CAP
VIRGINIA	CPI-3% CAP + 1/2 CPI OVER 3%
WASHINGTON	CPI-3% CAP
WEST VIRGINIA	AD HOC
WYOMING	1% + AD HOC
WISCONSIN	INVESTMENT EXPERIENCE INCREASE

VESTING PERIOD

<u>STATE</u>	<u>VESTING (IN YEARS)</u>
ALABAMA	10
ALASKA*	8
ARIZONA	5
ARKANSAS	10
CALIFORNIA*	5
COLORADO*	5
CONNECTICUT	10
DELAWARE	5
FLORIDA	10
GEORGIA	10
HAWAII	10
IDAHO	5
ILLINOIS*	8
INDIANA	10
IOWA	4
KANSAS	10
KENTUCTY*	5
LOUISIANA*	10
MAINE*	10
MARYLAND	5
MASSACHUSETTS	10
MICHIGAN	10
MINNESOTA	3
MISSISSIPPI	4
MISSOURI*	5
MONTANA	5
NEBRASKA	5
NEVADA*	5
NEW HAMPSHIRE	10
NEW JERSEY	10
NEW MEXICO	5
NEW YORK	10
NORTH CAROLINA	5
NORTH DAKOTA	5
OHIO*	5
OKLAHOMA	10
OREGON	5
PENNSYLVANIA	10
RHODE ISLAND	10
SOUTH CAROLINA	5
SOUTH DAKOTA	5
TENNESSEE	10
TEXAS	5
UTAH	4
VERMONT	10
VIRGINIA	5
WASHINGTON	5
WEST VIRGINIA	20
WYOMING	4
WISCONSIN	5