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**Testimony in Support of HB 2268**

I have been a practicing attorney in Kansas since 1978. During that time, I have represented numerous cities and school districts in central Kansas. In every situation, I served each of them as an independent contractor and not as an employee. In 2001, I was asked to serve as city administrator in Ellinwood, Kansas. I retired from that position in 2015 and returned to a part time law practice.

As a part of that practice, I have since been asked to serve as city attorney for 6 cities in our area. Additionally, I continue to represent one school district and have done so since approximately 2003.

I bring 35 plus years of experience in Kansas governmental issues and municipal law. Although there are other attorneys in our area, there are not many attorneys who bring this level of experience.

I am personally affected by the current Working After Retirement rules as are several of the governmental entities I represent. The \$25,000.00 limitation will affect my service annually. The obvious decision I will need to make is whether to step down as city attorney for all of the entities when I reach that limit or suspend my KPERS.

Additionally, the reporting requirements are burdensome to the entities. In some situations, the city clerk works less than 20 hours per week. In at least one situation, the city does not have any other employee for which they are making KPERS contributions. In all situations, the entities are likely contributing the same or higher rate of contribution into KPERS than the amount of the hourly compensation paid to employees.

Maneuvering through the KPERS system has been extremely difficult and cumbersome for the staffs of the entities and I know it has been difficult for KPERS staff as well. Exempting independent contractors from the working after retirement requirements ensures that cities and school districts are able to retain their experienced attorneys who provide a needed value to them, while also mitigating the effects of the cumbersome process for city staff.

In my opinion, the ripple effect of the WAR rules is only beginning. I have personally been contacted by numerous employers, both government and non-government, as well as potential retirees regarding a variety of situations that could be impacted by these

rules. With that said, exempting independent contractors ensures that cities and school districts alike are able to retain valuable experienced professionals of whom do not serve in a common employer-employee relationship, while not penalizing the entity for seeking out that qualified source.

Thank you for your consideration.

Robert Peter  
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