

## House Substitute for SENATE BILL No. 192

By Committee on Ethics and Elections

3-20

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AN ACT concerning state officers and employees; concerning compensation of state officers and employees; amending K.S.A. 46-137a and repealing the existing section; also repealing K.S.A. 46-3101.

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

New Section 1. (a) As used in this section:

(1) "Commission" means the legislative and executive officer compensation commission.

(2) "Executive officer" means the governor, lieutenant governor, attorney general, secretary of state, state treasurer and insurance commissioner.

(3) "Compensation" means compensation, expense allowances, reimbursements, retirement benefits and methods or formulas used to determine retirement benefits of state officers.

(4) "State officer" means members of the legislature and executive officers.

(b) There is hereby created the legislative and executive officer compensation commission. Such commission shall be composed of nine members. Each of the following officers shall appoint a member to the commission the: President of the senate, minority leader of the senate, speaker of the house of representatives, minority leader of the house of representatives, governor, secretary of state, attorney general, state treasurer and insurance commissioner. No person may be appointed to the commission who is a registered lobbyist, who is a member of the legislature or who has been a member of the legislature within two years previous to the date of appointment to the commission. Members of the commission shall be appointed on or before May 1, 2001.

The terms of the members of the commission shall expire on June 30, 2002.

Any vacancy on the commission shall be filled by the appointing authority.

(c) The member appointed by the governor shall serve as chairperson of the commission. The commission shall meet on call of the chairperson or on the request of four members of the commission. Five members of the commission shall constitute a quorum. All actions of the commission

1 shall be taken by a majority of all members of the commission.

2 (d) It shall be the duty of the commission to make a study of the  
3 compensation of state officers. The commission, by resolution, shall fix  
4 the amount of compensation for members of the legislature and shall  
5 make recommendations concerning the amount of compensation for ex-  
6 ecutive officers. The commission shall submit a report to the legislative  
7 coordinating council and to the governor on or before June 15, 2001.  
8 Such report shall specify the amount of compensation fixed by the com-  
9 mission for members of the legislature and the recommendations con-  
10 cerning executive officers. The report also shall specify the basis on which  
11 the commission made its decision and any other recommendations and  
12 information the commission deems appropriate. If the recommendations  
13 of the commission contained in such report require legislation to imple-  
14 ment, a bill shall be introduced at the commencement of the next legis-  
15 lative session to carry out such recommendations.

16 The amount of compensation fixed by the commission for members of  
17 the legislature shall become effective on July 1, 2001. Any state officer  
18 may decline to accept any increase in compensation fixed by the  
19 commission.

20 (e) The staff of the office of the revisor of statutes, the legislative  
21 research department, the division of legislative posts audit and the divi-  
22 sion of legislative administrative services shall provide such assistance as  
23 may be requested by the commission and authorized by the legislative  
24 coordinating council.

25 (f) The members of the commission attending meetings of such com-  
26 mission, or attending a subcommittee meeting thereof authorized by such  
27 commission, shall be paid compensation, subsistence allowances, mileage  
28 and other expenses as provided in K.S.A. 75-3223, and amendments  
29 thereto, from appropriations for operations of the legislature upon vouch-  
30 ers approved by the chairperson of the commission or a person or persons  
31 designated by the chairperson.

32 (g) In the year 2008, and each seven years thereafter, a commission  
33 shall be appointed in the manner provided by subsection (b) to fix, and  
34 make recommendations concerning, the compensation of state officers in  
35 the manner provided by this section. Any change in the amount of com-  
36 pensation fixed by a commission appointed pursuant to this section shall  
37 be effective on July 1 of such year. Terms of members appointed pursuant  
38 to this subsection shall expire on June 30 of the year next following the  
39 year in which such members were appointed.

40 Sec. 2. K.S.A. 46-137a is hereby amended to read as follows: 46-  
41 137a. In addition to the compensation provided for by K.S.A. 46-137b,  
42 46-137e and 75-3212 and amendments thereto, *and unless a different*  
43 *amount is fixed by the legislative and executive officer compensation com-*

1 *mission as provided by section 1, and amendments thereto*, each member  
2 of the legislature shall receive the following amounts:

3 (a) The sum of ~~\$72.06~~ \$76.44 per calendar day for service at any  
4 regular or special session, except as otherwise provided in subsection (e);

5 (b) the sum of \$80 per calendar day for subsistence allowance for any  
6 regular or special session of the legislature, except that if the amounts  
7 allowable for the capital city of Kansas under applicable federal law and  
8 regulations to employees of the executive branch of the federal govern-  
9 ment for per diem expenses, while away from home but serving in the  
10 United States, are amounts which total greater than \$80, then each mem-  
11 ber of the legislature shall receive such greater total amount per calendar  
12 day for subsistence allowance for any regular or special session of the  
13 legislature;

14 (c) an allowance of \$270 for the two-week period which coincides  
15 with the first biweekly payroll period commencing in April and for each  
16 of the 19 ensuing two-week periods thereafter, to defray expenses in-  
17 curred between sessions of the legislature for postage, telephone, office  
18 and other incidental expenses;

19 (d) an allowance for mileage in an amount equal to the rate per mile  
20 prescribed under the provisions of K.S.A. 75-3203a and amendments  
21 thereto multiplied by the number of miles traveled by the usual route in  
22 going to and returning from the member's place of residence for any  
23 regular or special session of the legislature. Such mileage allowances shall  
24 be paid for not to exceed the equivalent of one trip for each full week  
25 occurring between convening and adjournment sine die in any regular or  
26 special session. The mileage allowance provided under the provisions of  
27 this subsection shall not be subject to the restrictions relating to the use  
28 of vehicles prescribed by K.S.A. 75-3203 and 75-3203a and amendments  
29 thereto but shall only be allowed for trips actually made. Compensation  
30 and subsistence allowance shall not be allowed under the provisions of  
31 subsections (a) and (b) of this section during any period in which the  
32 legislature is adjourned for more than two days, Sundays excepted; and

33 ~~(e) whenever the rates of compensation of the pay plan for persons~~  
34 ~~in the classified service under the Kansas civil service act are increased~~  
35 ~~for payroll periods chargeable to fiscal years commencing after June 30,~~  
36 ~~1999, the rate of compensation per calendar day for members of the~~  
37 ~~legislature for service at any regular or special session of the legislature~~  
38 ~~shall be increased on the effective date of any such pay plan increase by~~  
39 ~~an amount computed by multiplying the average of the percentage in-~~  
40 ~~creases in all steps of such pay plan by the rate of compensation per~~  
41 ~~calendar day which is authorized by this section for service at any regular~~  
42 ~~or special session of the legislature for the day upon which such increase~~  
43 ~~is computed.~~

1     (e) (1) Whenever the rates of compensation of the pay plan for per-  
2 sons in the classified service under the Kansas civil service act are in-  
3 creased for payroll periods chargeable to fiscal years commencing after  
4 June 30, 2002, amounts received under subsections (a), (b) and (c) or the  
5 amounts fixed by the legislative and executive officer compensation com-  
6 mission as provided by section 1, and amendments thereto, shall be in-  
7 creased on the effective date of any such pay plan increase by an amount  
8 computed by multiplying the average of the percentage increases in all  
9 steps of such pay plan by each such rate which is authorized by this  
10 section and which is in effect prior to the effective date of such pay plan  
11 increase.

12     (2) If increases in the biweekly rates of compensation from step move-  
13 ments of the pay plan for persons in the classified service under the Kansas  
14 civil service act are authorized for the fiscal year ending June 30, 2003,  
15 or any fiscal year thereafter, the amounts received under subsections (a),  
16 (b) and (c) or the amounts fixed by the legislative and executive officer  
17 compensation commission as provided by section 1, and amendments  
18 thereto, shall be increased by an amount computed by multiplying the  
19 average percentage increase in the biweekly rate of compensation from  
20 step movements on the pay plan for persons in the classified service under  
21 the Kansas civil service act determined under paragraph (3) of this sub-  
22 section (e) by each such rate which is authorized by this section and which  
23 is in effect prior to the effective date of such increase. The increase in the  
24 amounts received under subsections (a), (b) and (c) or the amounts fixed  
25 by the legislative and executive officer compensation commission as pro-  
26 vided by section 1, and amendments thereto, shall take effect on the first  
27 day of the first payroll period which is chargeable to the fiscal year in  
28 which such step movements on the pay plan are authorized to take effect.

29     (3) For purposes of paragraph (2) of this subsection (e), the average  
30 percentage increase in the biweekly rate of compensation from step move-  
31 ments on the pay plan for persons in the classified service under the  
32 Kansas civil service act shall be equal to the percentage certified by the  
33 secretary of administration which equals the estimated average of the  
34 percentage increases in all biweekly rates of compensation from step  
35 movements on the pay plan for persons in the classified service under the  
36 Kansas civil service act which are authorized to take effect during the  
37 fiscal year in which such step movements on the pay plan are authorized  
38 to take effect.

39     (4) If the increase under paragraph (1) of this subsection (e) takes  
40 effect on the first day of the first payroll period chargeable to a fiscal year,  
41 the percentage rate increases determined under paragraphs (1) and (2)  
42 of this subsection (e) shall be added together and such aggregate per-  
43 centage increase shall be used to increase the amounts received under

1 *subsections (a), (b) and (c) instead of applying the increases under sub-*  
2 *sections (1) and (2) of this subsection (e) separately.*

3 New Sec. 3. The legislative and executive officer compensation com-  
4 mission may provide for retirement benefits, methods or formulas used  
5 to determine retirement benefits, eligibility requirements, participation  
6 and waiting period requirements and other retirement benefit related  
7 issues which may be alternative or supplemental to any laws relating  
8 thereto.

9 Sec. 4. K.S.A. 46-137a and 46-3101 are hereby repealed.

10 Sec. 5. This act shall take effect and be in force from and after its  
11 publication in the Kansas register.

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