

*As Amended by Senate Committee*

Session of 2008

**SENATE BILL No. 659**

By Committee on Federal and State Affairs

2-27

10 AN ACT relating to salaries, compensation and certain expense allow-  
11 ances for state officers and legislators; establishing a legislative com-  
12 pensation commission and abolishing the existing compensation com-  
13 mission; amending K.S.A. 40-102, 46-137a and 46-137b and K.S.A.  
14 2007 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-  
15 3111a and repealing the existing sections; also repealing K.S.A. 46-  
16 3101.

17

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

19 New Section 1. (a) There is hereby created the legislative compen-  
20 sation commission, hereafter referred to in this section as the commission,  
21 which shall consist of seven members as follows:

- 22 (1) Two members appointed by the president of the senate;  
23 (2) two members appointed by the speaker of the house of  
24 representatives;  
25 (3) one member appointed by the minority leader of the senate;  
26 (4) one member appointed by the minority leader of the house of  
27 representatives; and  
28 (5) one member appointed by the governor.

29 (b) No one may be appointed to the commission who is a registered  
30 lobbyist, who is a member of the legislature or who has been a member  
31 of the legislature within two years preceding the date of appointment to  
32 the commission.

33 (c) Of the members of the commission first to be appointed, each  
34 member shall be appointed for a term of four years and all terms shall  
35 commence on July 1, 2008. Thereafter, all members of the commission  
36 shall be appointed for a four-year term, commencing July 1. Vacancies  
37 shall be filled in the same manner as the original appointments and for  
38 the remainder of the unexpired term.

39 (d) The member appointed by the governor shall serve as chairperson  
40 of the commission. The commission shall meet on call of the chairperson  
41 or on the request of four members of the commission. Four members of  
42 the commission shall constitute a quorum. All actions of the commission  
43 shall be taken by a majority of all members of the commission.

1 (e) It shall be the duty of the commission to make a study of the per  
2 diem compensation of the members of the legislature. The commission  
3 shall meet during the even-numbered years and shall submit a report to  
4 the legislative coordinating council and to the governor on or before De-  
5 cember 1 of each even-numbered year making recommendations as the  
6 commission deems appropriate concerning such per diem compensation.  
7 The commission may make recommendations for increases in such per  
8 diem compensation to take effect for the next ensuing fiscal year and for  
9 fiscal years commencing after the next ensuing fiscal year. The commis-  
10 sion shall not make more than one recommendation for an increase in  
11 the per diem compensation of members of the legislature for any one  
12 fiscal year, except that the commission may make a recommendation for  
13 an increase in the per diem compensation for that fiscal year if the leg-  
14 islature has rejected a prior recommendation in accordance with this sec-  
15 tion. Any recommended increase in any rate of any compensation of  
16 members of the legislature that is contained in such report shall take  
17 effect and be in force on the first day of the first payroll period chargeable  
18 to the fiscal year for which the recommendation of an increase in per  
19 diem compensation is made and shall have the force and effect of law  
20 unless the senate and the house of representatives reject such recom-  
21 mended increase by concurrent resolution adopted prior to the February  
22 2 occurring either during the regular legislative session commencing dur-  
23 ing the fiscal year immediately preceding the fiscal year for which the  
24 recommended increase is to take effect or during an earlier regular ses-  
25 sion of the legislature that commences after the recommendation for the  
26 increase was submitted in the report by the commission and that precedes  
27 the fiscal year for which the increase is to take effect. If the senate and  
28 the house of representatives reject any such recommended increase in  
29 the per diem compensation of members of the legislature by concurrent  
30 resolution adopted prior to February 2 during any such regular session,  
31 then the per diem compensation of members of the legislature shall con-  
32 tinue in effect as previously provided by law or determined according to  
33 law. Any increased per diem compensation that is recommended by the  
34 commission and that takes effect and is in force in accordance with this  
35 section, shall be subject to a recommendation by the commission for an  
36 increase for a subsequent fiscal year, and to any act of the legislature that  
37 is applicable thereto.

38 (f) The staff of the office of the revisor of statutes, the legislative  
39 research department and the division of legislative administrative services  
40 shall provide such assistance as may be requested by the commission and  
41 authorized by the legislative coordinating council.

42 (g) The members of the commission attending meetings of such com-  
43 mission, or attending a subcommittee meeting thereof authorized by such

1 commission, shall be paid compensation, subsistence allowances, mileage  
2 and other expenses as provided in K.S.A. 75-3223, and amendments  
3 thereto from appropriations for operations of the legislature upon vouch-  
4 ers approved by the chairperson of the commission or a person or persons  
5 designated by the chairperson.

6 (h) As used in this section, “per diem compensation” means the per  
7 diem compensation payable to a member of the legislature by law for  
8 service as a member of the legislature as provided by or as determined  
9 in accordance with K.S.A. 46-137a and amendments thereto, but does  
10 not include any other compensation, any expense allowance or reimburse-  
11 ment, or any retirement benefit.

12 Sec. 2. On January 10, 2011, K.S.A. 40-102 is hereby amended to  
13 read as follows: 40-102. There is hereby established a department to be  
14 known as the insurance department, which shall have a chief officer en-  
15 titled the commissioner of insurance who shall receive, except as other-  
16 wise provided in K.S.A. 75-3111a, and amendments thereto, a salary at a  
17 biweekly pay rate of ~~\$2,648.45~~ \$3,653.85, and such officer shall be  
18 charged with the administration of all laws relating to insurance, insurance  
19 companies and fraternal benefit societies doing business in this state, and  
20 all other duties which are or may be imposed upon such officer by law.

21 Sec. 3. On June 15, 2008, K.S.A. 46-137a is hereby amended to read  
22 as follows: 46-137a. In addition to the compensation provided for by  
23 K.S.A. 46-137b, 46-137e and 75-3212, and amendments thereto, each  
24 member of the legislature shall receive the following amounts:

25 (a) The sum of ~~\$72.06~~ \$88.66 per calendar day *or the sum per cal-*  
26 *endar day determined and established in accordance with section 1, and*  
27 *amendments thereto, if a sum per calendar day has been established in*  
28 *accordance with that statute and is in effect*, for service at any regular or  
29 special session, except as otherwise provided in subsection (e);

30 (b) the sum of ~~\$80~~ \$109 per calendar day for subsistence allowance  
31 for any regular or special session of the legislature, except that if the  
32 amounts allowable for the capital city of Kansas under applicable federal  
33 law and regulations to employees of the executive branch of the federal  
34 government for per diem expenses, while away from home but serving in  
35 the United States, are amounts which total greater than ~~\$80~~ \$109, then  
36 each member of the legislature shall receive such greater total amount  
37 per calendar day for subsistence allowance for any regular or special ses-  
38 sion of the legislature;

39 (c) an allowance of ~~\$270~~ \$354.15 for the two-week period which co-  
40 incides with the ~~first~~ biweekly payroll period ~~commencing in which in-~~  
41 *cludes April 5th* and for each of the 19 ensuing two-week periods there-  
42 after, to defray expenses incurred between sessions of the legislature for  
43 postage, telephone, office and other incidental expenses, *except as oth-*

1 *erwise provided in subsection (f);*

2 (d) an allowance for mileage in an amount equal to the rate per mile  
3 prescribed under the provisions of K.S.A. 75-3203a, and amendments  
4 thereto, multiplied by the number of miles traveled by the usual route in  
5 going to and returning from the member's place of residence for any  
6 regular or special session of the legislature. Such mileage allowances shall  
7 be paid for not to exceed the equivalent of one trip for each full week  
8 occurring between convening and adjournment sine die in any regular or  
9 special session. The mileage allowance provided under the provisions of  
10 this subsection shall not be subject to the restrictions relating to the use  
11 of vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments  
12 thereto, but shall only be allowed for trips actually made. Compensation  
13 and subsistence allowance shall not be allowed under the provisions of  
14 subsections (a) and (b) of this section during any period in which the  
15 legislature is adjourned for more than two days, Sundays excepted; ~~and~~

16 (e) whenever the rates of compensation of the pay plan for persons  
17 in the classified service under the Kansas civil service act are increased  
18 for payroll periods chargeable to fiscal years commencing after June 30,  
19 ~~1999~~ 2009, the rate of compensation per calendar day for members of  
20 the legislature for service at any regular or special session of the legislature  
21 *authorized under subsection (a)* shall be increased on the effective date  
22 of any such pay plan increase by an amount computed by multiplying the  
23 average of the percentage increases in all steps of such pay plan by the  
24 rate of compensation per calendar day which is authorized by this section  
25 for service at any regular or special session of the legislature for the day  
26 upon which such increase is computed;

27 (f) *whenever the rates of compensation of the pay plan for persons in*  
28 *the classified service under the Kansas civil service act are increased for*  
29 *payroll periods chargeable to fiscal years commencing after June 30, 2009,*  
30 *the allowance provided for each member of the legislature by subsection*  
31 *(c) to defray expenses incurred between sessions of the legislature for*  
32 *postage, telephone, office and other incidental expenses for each of the*  
33 *two-week periods specified by subsection (c) shall be increased on the*  
34 *effective date of any such pay plan increase by an amount computed by*  
35 *multiplying the average of the percentage increases in all steps of such*  
36 *pay plan by the allowance provided to defray such expenses for each such*  
37 *two-week period as provided by this section; and*

38 (g) *any member of the legislature may decline to accept any or all of*  
39 *the compensation established by this section or section 1, and amendments*  
40 *thereto.*

41 Sec. 4. On June 15, 2008, K.S.A. 46-137b is hereby amended to read  
42 as follows: 46-137b. (a) In addition to the compensation provided for  
43 by K.S.A. 46-137a and 75-3212, and amendments thereto, and any other

1 statute, and except as otherwise provided by subsection (b):

2 (1) The president of the senate and the speaker of the house of rep-  
3 resentatives shall each receive an allowance at a biweekly pay rate of  
4 ~~\$438.82~~ \$539.97 during their terms of office as speaker and president,  
5 which compensation shall be for additional services performed in con-  
6 nection with discharging the duties assigned to the respective positions;

7 (2) the speaker pro tem of the house of representatives, the vice pres-  
8 ident of the senate, the assistant majority leaders of the senate and house  
9 of representatives and the assistant minority leaders of the senate and  
10 house of representatives shall each receive an allowance at a biweekly pay  
11 rate of ~~\$223.97~~ \$275.59 during their respective terms of office which  
12 compensation shall be for additional services performed in connection  
13 with discharging the duties assigned to the respective positions;

14 (3) the chairperson of the senate committee on ways and means and  
15 the chairperson of the house committee on appropriations shall each re-  
16 ceive an allowance at a biweekly pay rate of ~~\$352.89~~ \$434.23 during their  
17 respective terms of office, which compensation shall be for additional  
18 services performed in connection with discharging the duties assigned to  
19 the respective positions; and

20 (4) the majority and minority leaders of the senate and the house of  
21 representatives shall each receive an allowance at a biweekly pay rate of  
22 ~~\$395.89~~ \$487.14 during their respective terms of office, which compen-  
23 sation shall be for additional services performed in connection with dis-  
24 charging the duties assigned to the respective positions.

25 (b) Whenever the rates of compensation of the pay plan for persons  
26 in the classified service under the Kansas civil service act are increased  
27 for payroll periods chargeable to fiscal years commencing after June 30,  
28 ~~1999~~ 2009, the biweekly pay rate of officers of the legislature specified  
29 in subsection (a) shall be increased on the effective date of any such pay  
30 plan increase by an amount computed by multiplying the average of the  
31 percentage increases in all steps of such pay plan by the biweekly pay rate  
32 of such officers which is being received as provided by law and which is  
33 in effect prior to the effective date of such pay plan increase.

34 Sec. 5. On January 10, 2011, K.S.A. 2007 Supp. 75-3101 is hereby  
35 amended to read as follows: 75-3101. Except as otherwise provided in  
36 K.S.A. 75-3111a, and amendments thereto, the governor of the state shall  
37 receive for services a salary at a biweekly pay rate of ~~\$3,409.22~~ \$4,615.39.

38 Sec. 6. On January 10, 2011, K.S.A. 2007 Supp. 75-3103 is hereby  
39 amended to read as follows: 75-3103. (a) The lieutenant governor shall  
40 receive, as reimbursement for expenses the following: (1) Biweekly the  
41 sum of ~~\$72.12~~ \$76.91, *except as otherwise provided in subsection (c)*, and  
42 (2) when attending the duties of office or attending any authorized meet-  
43 ing, in addition to other provisions of this section, travel expenses and

1 subsistence expenses and allowances in amounts equal to those provided  
2 for by K.S.A. 75-3212, and amendments thereto.

3 In addition to any other compensation provided by law and except as  
4 otherwise provided in K.S.A. 75-3111a, and amendments thereto, the  
5 lieutenant governor shall also receive for services in the performance of  
6 duties imposed by law compensation at the biweekly pay rate of ~~\$964.29~~  
7 ~~\$3,076.93~~. While acting as governor, the lieutenant governor shall receive  
8 the same salary as the governor. The lieutenant governor may appoint an  
9 administrative assistant and office and stenographic employees, all of  
10 whom shall be in the unclassified service of the Kansas civil service act.  
11 Such administrative assistant shall receive travel expenses and subsistence  
12 expenses or allowances as provided by K.S.A. 75-3212, and amendments  
13 thereto, when traveling as authorized by the lieutenant governor.

14 (b) If the lieutenant governor is appointed by the governor under the  
15 provision of K.S.A. 75-303, and amendments thereto, the lieutenant gov-  
16 ernor shall receive a salary to be fixed by the governor or a salary as  
17 provided for in subsection (a) of this section, whichever is greater.

18 (c) *Whenever the rates of compensation of the pay plan for persons*  
19 *in the classified service under the Kansas civil service act are increased*  
20 *for payroll periods chargeable to fiscal years commencing after June 30,*  
21 *2011, the sum provided biweekly for reimbursement of expenses pursuant*  
22 *to subsection (a)(1) for the lieutenant governor shall be increased on the*  
23 *effective date of any such pay plan increase by an amount computed by*  
24 *multiplying the average of the percentage increases in all steps of such*  
25 *pay plan by the biweekly sum provided to the lieutenant governor for*  
26 *reimbursement of expenses as authorized by this section.*

27 Sec. 7. On January 10, 2011, K.S.A. 2007 Supp. 75-3104 is hereby  
28 amended to read as follows: 75-3104. Except as otherwise provided in  
29 K.S.A. 75-3111a, and amendments thereto, the secretary of state shall  
30 receive for services a salary at a biweekly pay rate of ~~\$2,648.45~~ \$3,653.85.

31 Sec. 8. On January 10, 2011, K.S.A. 2007 Supp. 75-3108 is hereby  
32 amended to read as follows: 75-3108. Except as otherwise provided in  
33 K.S.A. 75-3111a, and amendments thereto, the state treasurer shall re-  
34 ceive for services a salary at a biweekly pay rate of ~~\$2,648.45~~ \$3,653.85.

35 Sec. 9. On January 10, 2011, K.S.A. 2007 Supp. 75-3110 is hereby  
36 amended to read as follows: 75-3110. ~~Except as otherwise provided in~~  
37 ~~K.S.A. 75-3111a, and amendments thereto, the attorney general shall re-~~  
38 ~~ceive for services a salary at a biweekly pay rate of \$3,045.64~~ \$4,230.77.

39 ***The attorney general shall receive an annual salary in an amount***  
40 ***not less than the salary provided for district judges in K.S.A. 75-***  
41 ***3120g and 75-3120l, and amendments thereto.***

42 Sec. 10. On January 10, 2011, K.S.A. 2007 Supp. 75-3111a is hereby  
43 amended to read as follows: 75-3111a. (a) Whenever the rates of com-

1 pensionation of the pay plan for persons in the classified service under the  
2 Kansas civil service act are increased for payroll periods chargeable to  
3 fiscal years commencing after June 30, ~~1999~~ 2011, the salary of the gov-  
4 ernor, the lieutenant governor, ~~the attorney general~~, the secretary of state,  
5 the state treasurer and the commissioner of insurance shall be increased  
6 by an amount computed by multiplying the average of the percentage  
7 increases in all steps of such pay plan by the salary of the elected state  
8 officer which is being received as provided by law and which is in effect  
9 prior to the effective date of such increase in the rates of compensation  
10 of the pay plan for persons in the classified service under the Kansas civil  
11 service act.

12 *(b) The governor, the lieutenant governor, ~~the attorney general~~, the*  
13 *secretary of state, the state treasurer and the commissioner of insurance*  
14 *may decline to accept any or all of the salary increase established by this*  
15 *section or K.S.A. 40-102, 75-3101, 75-3103, 75-3104, 75-3108 and 75-*  
16 *3110, and amendments thereto, as applicable.*

17 Sec. 11. On June 15, 2008, K.S.A. 46-137a, 46-137b and 46-3101 are  
18 hereby repealed.

19 Sec. 12. On January 10, 2011, K.S.A. 40-102 and K.S.A. 2007 Supp.  
20 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a are hereby  
21 repealed.

22 Sec. 13. This act shall take effect and be in force from and after its  
23 publication in the Kansas register.