

Approved: _____
Date

3/22/99

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Susan Wagle at 1:30 P.M. on March 17, 1999 in Room 313-S of the Capitol.

All members were present except:

Committee staff present:

Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Judy Swanson, Committee Secretary

Conferees appearing before the committee:

State Senator Lana Oleen
State Senator Sherman Jones
State Senator Nancey Harrington

Others attending:

See attached list

Chair Wagle welcomed Senate Federal & State Affairs Committee Chair Lana Oleen to the Committee to review the Legislative compensation package as passed by the Senate Federal & State Affairs Committee. Senator Oleen presented a 1999 Annual Legislative Salary Review of Kansas and surrounding states. (Attachment #1) Currently there are 28 states looking at compensation packages this year. Colorado increased their compensation two years ago, and it went into effect this year. Kansas is the only state that pays by the day rather than by the year. Nebraska legislators each have two full-time staff members, one can be an attorney.

Senator Oleen explained the comparison of proposed legislative compensation bills which the Senate considered. (Attachment #2) She said **SB 174** was her bill and also addressed retirement. There was good consensus and bi-partisan support for this bill. A new retirement system for legislators must be addressed at the end of a legislator's term rather than at the end of a fiscal year.

The Chair stated that Sub for SB 55 is the bill the Senate Committee passed. (Attachment #3) The effective date was an issue with the Senate Federal & State Affairs Committee. She presented a proposed option form from Legislative Administrative Services which will be used if the compensation package changes. (Attachment #4)

Senator Sherman Jones expressed his support of some type of pay increase for legislators. He said New Hampshire has 455 state representatives, and they each receive \$100 annually. Nebraska legislators get paid for election year even though they do not meet during that year. It is difficult to compare compensation packages as each state is so different. He said if Kansas was going to make a plan, it should be a good plan, not just a token plan.

Senator Nancey Harrington supported Senator Oleen in all her efforts to come up with a good bill. She said a new pay plan does not play well in the press.

Oleen said legislative leadership pay was not addressed, however it is comparable to other states. The top two leadership positions in the House make more from their leadership position than legislators receive from their legislator salary. Rep. Mason expressed appreciation to the Senate for taking this matter under consideration. Oleen thanked the Committee for the opportunity to appear before them.

Rep. Wagle made a motion to introduce a House bill identical to Sub. SB 55. Rep. Mason seconded the motion. The motion carried. Rep. Edmonds requested to be recorded as voting NO.

Rep. Wagle made a motion to introduce a voucher bill for legislators. Rep. Mason seconded the motion. The motion carried. Reps. Edmonds, Hutchins and Mays requested to be recorded as voting NO.

Chair Wagle opened the meeting for discussion on a parental consent bill. Revisor Theresa Kiernan explained two balloons for a substitute bill for **HB 2405**. She said only one parent's consent was needed.

If a minor objects to getting a parental consent, she can go for a judicial by-pass. Current law requires notice, the new bill requires a written form with a parent signature. Rep. Burroughs questioned what constituted a "life-supporting measure". A big concern for several Committee members was who pays for the abortion in the case of a court waiver.

Rep. Vickery moved to adopt balloon #1136 as a substitute for **HB 2405**. Rep. Hutchins seconded the motion. The motion carried.

Discussion followed. The definition of "fetus" came from Minnesota Law. Rep. Benlon said she preferred using a definition from a medical dictionary. She also wanted major bodily functions defined. Rep. Wagle said she wanted the court to determine major bodily functions. She said that she had hoped to have that court definition before hearing **HB 2007**.

Rep. Benlon moved to go back to the original definition of viability in the bill. Rep. Gilbert seconded the motion. After discussion, the motion failed by 11-12 votes.

Rep. Klein said he felt the Committee was moving too fast because they were narrowing definitions too much, shifting more risk to women under age 18, causing litigation problems from parents who would disagree on consent and felt there was no rational reason to possibly shift any payment responsibility to the doctor.

Rep. Franklin questioned a severability clause. Revisor Kiernan said there is not one in the bill, but it is not necessary because there is one in the abortion law. Rep. Freeborn commented that legislative intent could be presented in a court case, and she +thought that would be a good idea.

Rep. Benlon moved to amend the bill on top of page 12 by putting back in "health, safety or well being" and striking "life". Rep. Cox seconded the motion. The motion failed by 11-12 votes.

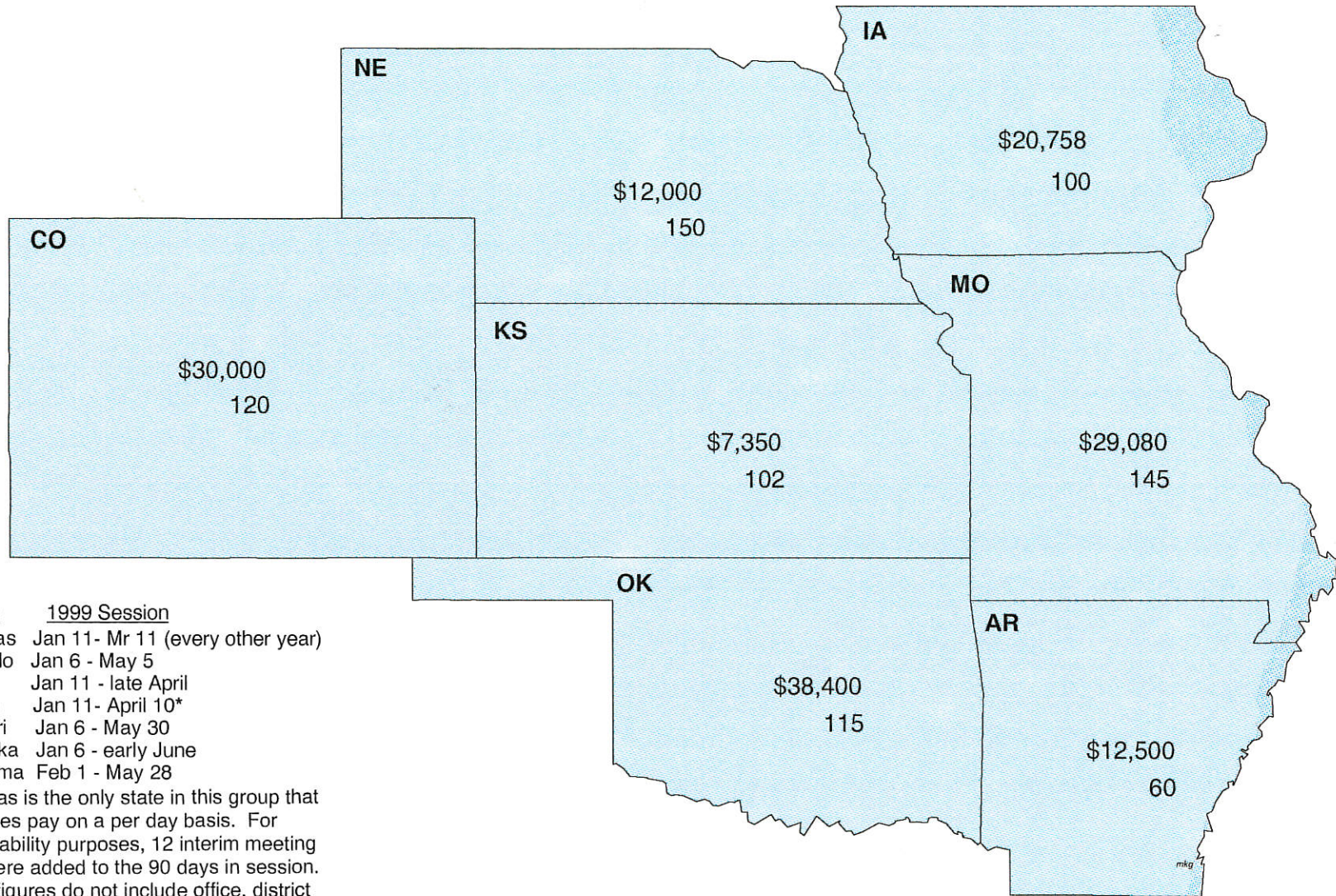
Rep. Burroughs moved to table **Sub. HB 2405**. Rep. Gilbert seconded the motion. The motion failed by 11-12 vote.

Rep. Vining moved to report **Sub. HB 2405** as adopted by the Committee favorable for passage. Rep. Mayans seconded the motion. The motion passed by 11-12 votes.

The meeting adjourned at 3:20 P.M.

1999 Annual Legislative Salary and Approximate Numbers of Days in Session

House Fed & State
 3-17-99
 Attachment #1



| State | 1999 Session |
|----------|----------------------------------|
| Arkansas | Jan 11- Mr 11 (every other year) |
| Colorado | Jan 6 - May 5 |
| Iowa | Jan 11 - late April |
| Kansas | Jan 11- April 10* |
| Missouri | Jan 6 - May 30 |
| Nebraska | Jan 6 - early June |
| Oklahoma | Feb 1 - May 28 |

* Kansas is the only state in this group that calculates pay on a per day basis. For comparability purposes, 12 interim meeting days were added to the 90 days in session. Salary figures do not include office, district office and staffing allowances.

Data Source: National Conference of State Legislatures

House Fed & State
 3-17-99
 Attachment #1

House Fed. Stake
2-3-17-99
A Tech #2

COMPARISON OF PROPOSED LEGISLATIVE COMPENSATION BILLS

| | Current Law | S.B. 55 | S.B. 101 | S.B. 174 | Sub. S.B. 55 |
|---|---|--|--|---|--|
| Compensation | \$72.06 per day (session and interim) | \$18,000 per year (replaces daily pay) | Present law | \$83.40 per day (member may decline raise until 12-31-2000) | \$12,000 per year (replaces daily pay) (\$83.40/day for interim meetings) (member may decline raise until 12-31-2000) |
| Subsistence | \$80; adjusted under federal guidelines | Present law | Present law | Present law | Present law |
| Interim Allowance/ Constituent Allowance | \$270/20 biweekly payments | Abolished | \$382.50/20 biweekly payments plus \$0.009/20 biweekly payments per square mile in districts over 1,000 square miles | \$500.00/20 biweekly payments; expenses vouchered (member may decline raise until 12-31-2000) | \$450/20 biweekly payments (member may decline raise until 12-31-2000) |
| COLA | Indexed to state employee COLA | Present law | Present law | Present law | Indexed to state employee COLA and step movement |
| KPERS | Participation optional on per diem and subsistence (annualized) and interim allowance | For new members on 1-8-2001 annual compensation, subsistence allowance (annualized) For continuing members, current law | Current law | On 1-8-2001, 8 percent deferred comp. plan replaces KPERS participation (participation voluntary) | On 1-8-2001, option of KPERS (state contribution at 4 percent) or deferred compensation plan (state contribution of 8 percent, no annualization) |
| Effective Date | N/A | January 8, 2001 | <i>Kansas Register</i> | <i>Kansas Register</i> | July 1, 1999 |

House Fed. Stake
2-3-17-99
A Tech #2

**SUBSTITUTE FOR SENATE BILL NO. 55
LEGISLATIVE COMPENSATION PLAN APPROVED BY
SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS**

(February 11, 1999)

Annual Salary. Members would receive an annual salary of \$12,000, payable over 26 pay periods. This salary will be commenced in FY 2000. Under current law, members are paid \$72.06 per day during the session and for authorized meetings during the interim.

Constituent Allowance. Members would receive a constituent allowance of \$9,000, payable over 20 pay periods during the interim. This allowance will be implemented in FY 2000. The existing interim allowance totals \$5,400 paid over 20 pay periods.

Interim Meetings. Members would receive daily pay of \$83.40 for attendance at any authorized meetings during the interim. This daily rate would apply to any meetings held after July 1, 1999. Currently, the daily rate for authorized meetings is \$72.06.

COLA. Members' pay would be indexed to the average of any classified state employee pay increases, including step movement and cost-of-living adjustments. Currently, the daily pay rate is indexed to COLA only.

Choice. Members would have the option of refusing to accept the new annual salary or constituent allowance and could continue their current rate of pay. This option expires December 31, 2000.

Subsistence. Subsistence would remain at \$80 per day, as in current law.

Retirement. Effective January 8, 2001, members will have the option of enrolling in KPERs (with a state contribution set in statute, currently at a range of 3.99 to 4.19 percent), or enrolling in the special deferred compensation plan, with the state contributing 8 percent. State retirement contributions and benefits under either plan would be based on the combined annual salary and constituent allowance only (a total of \$21,000).

Currently, members' retirement contributions and benefits are determined on an "annualized" base, which includes the salary and subsistence allowance plus the interim allowance. For most legislators, that "annualized" base is approximately \$62,000.

Members of the Legislature would have the option of declining participation in either state retirement plan. Prior to the effective date of the new retirement options, members' KPERs contribution would be unchanged.

Currently, legislators have only one option for a state supported retirement program, that is KPERs. The deferred compensation plan with an 8 percent state contribution would be the same plan currently offered as an option to cabinet members, partisan legislative staff, and legislative secretaries (who work only during the session or sporadically during the interim).

Effective Date. The bill would take effect upon publication on July 1, 1999.

To: Jeff Russell
Director, Legislative Administrative Services

Date: Prior to June 13, 1999

Re: Election of legislative compensation package

In accordance with the provisions of Substitute for Senate Bill 55, I request that Legislative Administrative Services adjust my compensation package to reflect the following:

_____ I elect to retain my current compensation package and continue with my current KPERS plan until January 8, 2001.

OR (May choose any or all of the options listed below)

_____ I elect to change my compensation package to include an annual salary of \$12,000.04.

_____ I elect to change my compensation package to include a constituent services allowance of \$450 for the two-week period which coincides with the first biweekly payroll period commencing in April and for each of the 19 ensuing two-week periods thereafter (\$9,000).

_____ I elect to accept the per diem of \$83.40 for services as authorized by the Legislative Coordinating Council and at any special session of the legislature.

After January 8, 2001, should I be elected to another term of office, I will receive the compensation package outlined in Sub for SB 55. At that time I can elect to participate in KPERS figured with the annual salary and constituent services allowance as listed above or to participate in an 8% deferred compensation plan or to deny both the KPERS and deferred compensation plans..

Name printed

Date

Signature

House Fed + State
03-17-99
Attachment #4
Olsen