

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Vice-Chairman Senator Pete Brungardt at 12:00 p.m. on March 30, 2001 in Room 231-N of the Capitol.

All members were present except: Chairperson Nancey Harrington, Excused

Committee staff present: Russell Mills, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Office of the Revisor  
Nikki Kraus, Committee Secretary

Conferees appearing before the committee: Representative Tony Powell  
Senator Lana Oleen

Others attending: See Attached List

Vice-Chairman Pete Brungardt opened the informational hearing on:

**Sub SB 192--Legislative executive officer compensation; commission**

Staff reviewed the substitute bill for the committee. (Attachment 1). Theresa Kiernan presented a brief note concerning the bill. (Attachment 2).

Following questions, Representative Tony Powell presented testimony in favor of the bill. He stated that as a result of poor compensation, campaigning for and holding a legislative position was very difficult for many potential candidates. He stated that it seemed like the Legislature did not have the political will to increase compensation, so the commission created by the bill would solve that problem. He stated that he felt that this was the last chance for this bill because the House had supported it and a lack of Senate support would destroy it. He stated that this was a good opportunity because it was not an election year.

In response to questions from Senator Barnett, Representative Powell stated that state employees influence this decision by electing appointees to the commission. He stated that past commissions held public hearings which made recommendations which were never carried through by the Legislature.

Senator Teichman stated that in the public's eyes, this would look like the Legislature wanting a salary increase, and she would have difficulty justifying that to her constituents who would ask why that money could not be devoted to education. Representative Powell stated that the commission would not necessarily mean a guaranteed raise, although it might be painted in that light. He stated that the budgets which have been created this year have devoted over \$60 million toward education, so she might want to present that fact to her constituents. In response to comments from Senators Teichman and O'Connor, he stated that the Legislature should not fail to do one good thing simply because it may not be able to do every good thing.

Senator O'Connor asked if the commission would seek out Legislators to speak and provide information since there would be no legislators on the commission, and Representative Powell said yes.

Senator Vratil stated that the opponents of this bill say that the commission would be determining a pay increase for the Legislature, so they must think that there is a pay increase needed or they would not automatically present it that way. Representative Powell stated that if a legislator did not want the increase, he or she could decline it.

Senator Lyon stated that he would prefer if the commission would make a recommendation, not binding

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE on March 30, 2001 in Room 231-N of the Capitol.

law. Representative Powell stated that such a condition existed in current law, but no action was ever taken on the recommendations of past commissions.

Senator Lana Oleen presented testimony in favor of the substitute bill. (Attachment 3). She also presented a diagram entitled "2000 Annual Legislative Salary, Legislator Per Diem (Allowance for Daily Expenses) During Legislative Session and Approximate Numbers of Days in Session" in favor of the bill. (Attachment 4).

Senator Oleen stated that she was concerned that the only people who were going to be in the Legislature were people who could afford to be, who have businesses that allow them to be, or that were retired. She stated that the proposition was for \$1000 per month salary and \$1000 per month for constituent services. Senator Oleen stated that she did not know if this was the best plan going, but that it would allow people outside of the Legislature decide what the salary and expenses ought to be for representing 64,000 people. She stated that she did not believe that the Legislature should say that the commission is the wrong approach, and that although money was tight this year, people have been told to reallocate monies, and that the interim committee budget ought to be reduced.

Senator Oleen stated that interim committees were not worth all of the money and effort put into them because their results were not treated with any more reverence than spontaneously created bills and amendments. She stated that the elimination of conference committees would also send a message that people would not be pulled away from their jobs as much. Senator Oleen stated that she felt that additional day expenses should be eliminated simply for traveling over 100 miles in order to attend a meeting.

Senator Oleen stated that in the past, the movement to support what is contained within this bill lacked leadership and thereby left the rank and file to flounder, but that was no longer the case.

The meeting was adjourned at 12:53 p.m. The next meeting is scheduled on Call of the Chair.



FY 2001  
KANSAS LEGISLATORS COMPENSATION AND EXPENSES—ANNUALIZED

	Compensation		Expenses
Legislative Session	\$76.44 X 90 days =	\$ 6,880	\$85 X 90 days = \$ 7,650
Interim	\$76.44 X 12 days =	917.	\$85 X 12 days = 1,020
		\$ 7,797	\$270 X 20 weeks (Apr.-Dec.) = 5,400
			\$14,070

Mileage

32.5 cents per mile during session and interim

Additional Annual Compensation		
Speaker and President	\$	12,104
Majority Leaders		10,920
Minority Leaders		10,920
Ways and Means/Appropriations Chairmen		9,734
Speaker Pro Tem, Vice-President, Assistant Majority and Minority Leaders		6,178
	(Plus \$76.44 per day for days devoted to legislative business when Legislature not in session.)	(Plus \$85 per day for days devoted to legislative business when Legislature not in session.)

Notes:

- (1) Number of session days and interim days are assumed for purposes of this table. In fact, they vary some from year to year. Some legislators, particularly senators, serve on more than one interim committee and some nonleader legislators also may be paid compensation and expenses for official business in Topeka when the Legislature is not in session (aside from interim committee attendance).
- (2) Does not include compensation and expenses for out-of-state meetings, such as those sponsored by the NCSL, CSG, and ALEC.
- (3) Does not include \$85 expense allowance for one day going to and one day returning from an in-state meeting (may be claimed only by legislators who live over 100 miles from the place of the meeting).
- (4) Legislators are covered by workers compensation and may participate in the state retirement, group health insurance, and deferred compensation programs.

Kansas Legislative Research Department  
August 18, 2000

Senate Fed + State  
3-30-01  
Attachment 1-1

Note: The Kansas Constitution specifically authorizes members of the legislature to receive "compensation as may be provided by law or such compensation as is determined according to law." (Emphasis added. Kan. Const. Art. 2, sec. 3.) The language "as is determined according to law" was intended to permit the legislature to "create a compensation commission which would establish compensation subject to approval of, or veto by, the legislature." (Reports of Special Committees to the 1974 Kansas Legislature, p. 26-3.) The Kansas Constitution provides that state constitutional officers receive "compensation as is established by law" for that office. (Kan. Const. Art. 1, sec. 15.) Justices of the supreme court and judges of the district courts receive, under the Kansas Constitution, "compensation as may be provided by law..." (Kan. Const. Art. 3, sec. 13.) Other than members of the legislature, no state official is authorized by the Kansas Constitution to receive "compensation as is determined according to law."

Can't have a  
comm fix salaries  
for exec or judicial  
const'l officers.

Pay comm const/6 ju

Senate Fed + State  
3-30-01  
Attachment 2-1



# State of Kansas

LANA OLEEN  
SENATOR, 22ND DISTRICT  
GEARY AND RILEY COUNTIES  
(785) 296-2497



COMMITTEE ASSIGNMENTS  
CHAIR: CONFIRMATION OVERSIGHT  
VICE CHAIR: ORGANIZATION, CALENDAR & RULES  
MEMBER: STANDING & JOINT COMMITTEES

## Majority Leader Kansas Senate

SENATE CHAMBER, STATE CAPITOL  
TOPEKA, KANSAS 66612-1504

### Testimony Senate Federal & State Affairs Committee Friday, March 30, 2001 Sub. SB 192

Madam Chair and Members of the Committee:

Thanks for the opportunity to offer some observations about the issue of legislative compensation. It is not a new issue – it is a reoccurring, troublesome topic that legislators have not been able to resolve. Legislators do not want to vote on compensation enhancements to cover the costs of their service to constituents or to address salary issues.

We have struggled to find a solution whereby a fair and appropriate compensation plan could be adopted by our legislature. It appears to me that legislators do not have the political will to set a salary and compensation package for themselves. A number of states, in fact the majority in recent years, have abdicated this decision to an outside group—a commission of citizens. I believe that approach is both appropriate and timely for Kansas.

The plan before you today gives the Commission great latitude. Salary, constituent services' costs, mileage and reimbursement expenses will be evaluated and judged by citizens who, I trust, will make an informed, reasonable plan for state legislators and give sound recommendations for a compensation package for other state-elected officials.

The plan allows the flexibility of each individual legislator to accept or reject the commission's compensation plan. While dollars are tight this fiscal year, I believe there are ways to reprioritize existing resources in the legislature's budget to match some general fund dollars for this year. Nothing precludes the Commission from distinguishing a year one/year two forward approach. We pass the decision-making to a group "outside of government". I believe this is a reasonable method and it has my support.

Respectfully submitted,

Lana Oleen

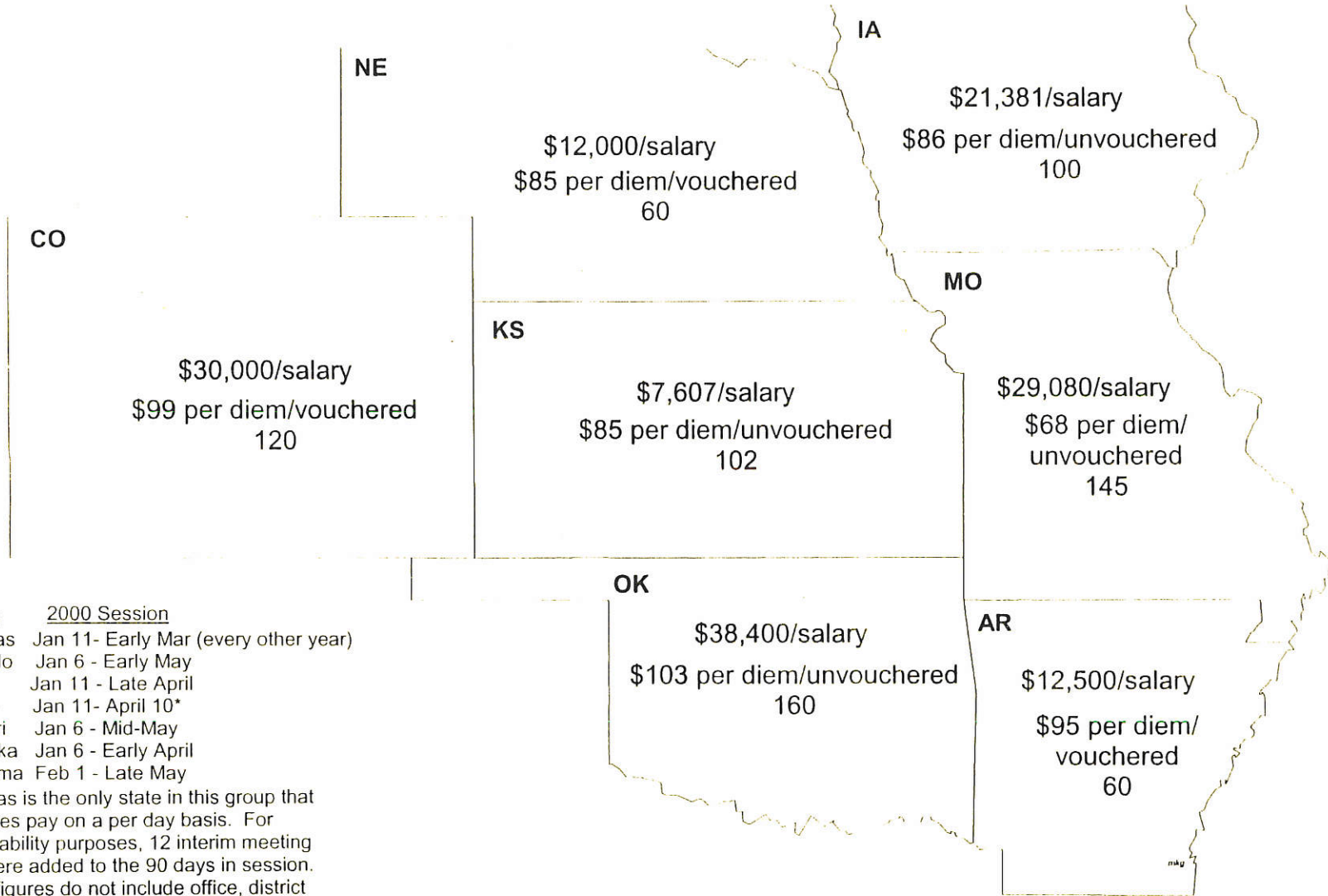
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Attachment 3-1

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## 2000 Annual Legislative Salary, Legislator Per Diem (Allowance for Daily Expenses) During Legislative Session and Approximate Numbers of Days in Session



State      2000 Session  
 Arkansas    Jan 11- Early Mar (every other year)  
 Colorado    Jan 6 - Early May  
 Iowa        Jan 11 - Late April  
 Kansas     Jan 11- April 10\*  
 Missouri    Jan 6 - Mid-May  
 Nebraska    Jan 6 - Early April  
 Oklahoma   Feb 1 - Late May  
 \* 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

Senate Fed + State  
 3-30-01  
 Attachment 4-1

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