

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 259

As Amended by Senate Committee on
Commerce

Brief*

SB 259, as amended, would make changes to the qualifications, process and status of administrative law judges in the Kansas Department of Labor, Division of Workers Compensation. Under provisions of the bill, an administrative law judge would be required to be an attorney with at least five years of experience, including a minimum of one year of experience practicing law in the area of workers compensation.

The bill would create the Workers Compensation ALJ Nominating Committee. The Director of Workers Compensation would establish and maintain a list of qualified applicants and submit the list to the Nominating Committee for any vacant administrative law judge position.

The Secretary of Labor would have the option of accepting or rejecting the nominated applicant for the position. If the applicant is rejected, the Secretary would request that the Committee nominate another applicant for the position. The term of the appointment would be four years. The salary for an administrative law judge would be set at 80 percent of a state district judge. Any new administrative law judges would be in the unclassified service. Under current law, administrative law judges are in the classified service.

Any administrative law judge currently in service would have 60 days from the effective date of the bill to notify the Director of Workers Compensation that he or she elects to serve an appointed term of office rather than an appointment in the classified service. If any currently serving administrative law judges do not elect to serve an appointed term of office, the Secretary is required to reassign that person within one year to a classified position of equal or greater compensation. The

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

vacancy created by the reassignment would be filled in accordance with the provisions of the bill.

Finally, the bill would lower the quorum requirement of the Workers Compensation Advisory Council from four members appointed by employers and four members appointed by employees, to three representing employers and three representing employees.

Background

The bill was amended by the Senate Committee on Commerce by adopting the amendments requested by the AFL-CIO representative and selected amendments requested by Senator Brownlee with regard to the Workers Compensation Advisory Council quorum.

The fiscal note on the bill indicates that an additional \$258,971 from the Workers Compensation Fee Fund would be required to increase the administrative law judges' salaries to 80 percent of a district court judge's salary.