

Session of 2023

House Substitute for SENATE BILL No. 229

By Committee on Legislative Modernization

3-13

1 AN ACT concerning the legislature, relating to compensation, salary and
2 retirement benefits of ~~members thereof~~, creating the legislative
3 compensation commission; prescribing powers and duties of the
4 commission; authorizing the commission to set rates of compensation
5 and salary for members of the legislature, establishing procedures for
6 review and possible rejection of such rates of compensation and salary
7 by the legislature; eliminating the previously established compensation
8 commission; repealing K.S.A. 46-3101.

certain state officials

and an additional rate of compensation for certain state officials

relating to the salaries of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance and members of the governor's cabinet; establishing the rate of pay for such state officials based on the annual rate of pay for members of congress, as adjusted by the provisions of this act; relating to the salaries of the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges; establishing the rate of pay for such justices and judges based on the annual rate of pay for a district judge of the United States, as adjusted by the provisions of this act; amending K.S.A. 20-2616, 22a-105, 40-102, 75-3103 and 75-3120k and K.S.A. 2022 Supp. 20-318 and repealing the existing sections; also

, 75-3101, 75-3104, 75-3108, 75-3110, 75-3111a,
75-3120f, 75-3120g, 75-3120h and 75-3120i

9
10 *Be it enacted by the Legislature of the State of Kansas:*

New 11 Section 1. (a) There is created the legislative compensation
12 commission consisting of nine members as follows:

13 (1) One member appointed by the speaker of the house of
14 representatives. Such member appointed by the speaker shall be a former
15 member of the legislature;

16 (2) one member appointed by the president of the senate. Such
17 member appointed by the president shall be a former member of the
18 legislature;

19 (3) one member appointed by the speaker pro tempore of the house of
20 representatives;

21 (4) one member appointed by the vice president of the senate;

22 (5) one member appointed by the majority leader of the house of
23 representatives;

24 (6) one member appointed by the majority leader of the senate;

25 (7) one member appointed by the minority leader of the house of
26 representatives;

27 (8) one member appointed by the minority leader of the senate; and

28 (9) one member appointed by the governor.

29 (b) The initial member appointed by the speaker shall be appointed
30 prior to August 1, 2023. All other initial members shall be appointed prior
31 to September 1, 2023.

32 (c) No person shall be appointed to the commission who is a current
33 member of the legislature, a current employee of the legislature or a
34 registered lobbyist.

35 (d) The member appointed by the speaker shall serve as the first
36 chairperson of the commission. The member appointed by the president

1 shall serve as the first vice chairperson of the commission. Thereafter, the
2 next chairperson to be appointed prior to August 1, 2026, shall be
3 appointed by the president and the next vice chairperson to be appointed
4 prior to September 1, 2026, shall be appointed by the speaker. The
5 authority to appoint the chairperson and vice chairperson for future
6 commissions shall alternate between the speaker and the president in
7 similar manner as for the original appointments. Vacancies shall be filled
8 in the same manner as for the original appointments.

9 (e) Any member of the commission shall be eligible for
10 reappointment.

11 (f) The term of each appointment to the commission shall end upon
12 the completion of the responsibilities of the commission pursuant to
13 subsections (h) and (i).

14 (g) The commission shall meet upon call of the chairperson. A
15 majority of the members of the commission shall constitute a quorum for
16 the transaction of any business of the commission. Any action taken by the
17 commission shall be by majority vote of the members present.

18 (h) The legislative compensation commission shall:

19 (1) Make a comprehensive study of the compensation, salary and
20 retirement benefits of the members of the legislature;

21 (2) set the rates of compensation and salary for members of the
22 legislature to be effective as provided in subsection (i), and

and for state officials as provided in subsection (j)

23 (3) make recommendations related to retirement benefits for members
24 of the legislature.

25 (i) In 2023, the legislative compensation commission shall establish
26 the rate of compensation and salary for services rendered by members of
27 the legislature during the four-year period that commences on the first day
28 of the term of office that commences on the first day of the legislative
29 session in January of 2025. Such rate of compensation and salary
30 established by the commission shall be submitted to the legislature on or
31 before December 1, 2023. Such rate of compensation and salary
32 established by the commission shall be the rate of compensation and salary
33 for members of the legislature unless, prior to 30 days after the
34 commencement of the legislative session next occurring after submission
35 of such established rate of compensation and salary to the legislature, the
36 legislature rejects such rate of compensation and salary by the adoption of
37 a concurrent resolution. In the concurrent resolution that rejects such rate
38 of compensation and salary, the legislature may include a requirement that
39 the legislative compensation commission meet within 14 days after the
40 adoption of the concurrent resolution by the legislature to set another rate
41 of compensation and salary to be submitted to the legislature prior to 30
42 days after such adoption of the concurrent resolution. The legislature may
43 reject such rate of compensation and salary by the adoption of a concurrent

1 resolution prior to adjournment sine die of that legislative session. In the
2 event of rejection by the legislature of the second rate of compensation and
3 salary set by the commission, the rate of compensation and salary
4 prevailing at the time of the previous session shall remain in effect.

5 (j) (1) New members of the commission shall be appointed in 2026
6 and every four years thereafter. The member designated as chairperson of
7 the commission pursuant to subsection (d) shall be appointed prior to
8 August 1 of such year. All other members of the commission shall be
9 appointed prior to September 1 of such year.

10 (2) Commissions appointed in 2026 and thereafter may meet on call
11 of the chairperson during the calendar year when appointed or the
12 following calendar year. The commission shall set the rate of
13 compensation and salary for members of the legislature to be effective
14 during the four-year period that commences on the first day of the next
15 commencing term of office of elected senators. The commission shall
16 submit such rate of compensation and salary to the legislature on or before
17 December 1 of the calendar year following the commission's appointment.

18 (3) The legislature may take such actions as provided in subsection (i)
19 during the legislative session next occurring after the submission of such
20 rate of compensation and salary as provided in paragraph (2).

21 (k) Members of the commission shall receive compensation,
22 subsistence allowances, mileage and expenses as provided in K.S.A. 75-
23 3223, and amendments thereto, when attending meetings of the
24 commission.

, and, subject to appropriations therefor, any additional rate of
compensation and salary for the governor, attorney general,
secretary of state, state treasurer and commissioner of insurance
above the salary established in section 2, and amendments thereto,

New Sec. 2. [Governor, attorney general, secretary of state, state treasurer and
commissioner of insurance compensation]
New Sec. 3. [Members of the governor's cabinet compensation]
New Sec. 4. [Justices of the supreme court, judges of the court of appeals,
district court judges and district magistrate judges compensation]
Sec. 5. K.S.A. 2022 Supp. 20-318
Sec. 6. K.S.A. 20-2616
Sec. 7. K.S.A. 22a-105
Sec. 8. K.S.A. 40-102
Sec. 9. K.S.A. 75-3103
Sec. 10. K.S.A. 75-3120k
See attached for all sections. Renumber remaining section accordingly.

25 Sec. 2. ~~K.S.A. 46-3101~~ is hereby repealed.
26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the Kansas register.

20-2616, 22a-105, 40-102, 46-3101, 75-3101, 75-3103,
75-3104, 75-3108, 75-3110, 75-3111a, 75-3120f, 75-3120g,
75-3120h, 75-3120k and 75-3120l and K.S.A. 2022 Supp.
20-318 are

New Sec. 2. (a) Subject to appropriations and except as provided further, on July 1, 2023, and each July 1 thereafter:

(1) The governor shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date;

(2) the attorney general shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date minus 2.5% of such congressional annual rate of pay; and

(3) The secretary of state, state treasurer and commissioner of insurance shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date minus 7.5% of such congressional annual rate of pay.

(b) If for any reason such congressional salary is decreased, the salaries established in this section shall remain the same for the next ensuing fiscal year unless diminished by general law applicable to all salaried officers of the state.

New Sec. 3. (a) Subject to appropriations, on July 1, 2023, and each July 1 thereafter, the minimum amount of annual salary the members of the governor's cabinet shall receive for services shall be equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date minus 17.5% of such congressional annual rate of pay.

(b) For the purposes of this section, the members of the governor's cabinet shall be determined by the governor.

New Sec. 4. (a) Subject to appropriations and except as provided further, on July 1, 2023, and each July 1 thereafter:

(1) A district judge, who is not a chief judge of a judicial district, shall receive for services an annual salary equal to 75% of the annual rate of pay for a district judge of the United States, on such date;

(2) a district magistrate judge shall receive for services an annual salary equal to 55% of a district judge's salary as determined pursuant to subsection (a)(1);

(3) a chief judge of the district court shall receive for services an annual salary equal to 105% of a district judge's salary as determined pursuant to subsection (a)(1);

(4) a judge of the court of appeals who is not chief judge of the court of appeals shall receive for services an annual salary equal to 110% of a district judge's salary as determined pursuant to subsection (a)(1);

(5) the chief judge of the court of appeals shall receive for services an annual salary equal to 115% of a district judge's salary as determined pursuant to subsection (a)(1);

(6) a justice of the supreme court who is not chief justice of the supreme court shall receive for services an annual salary equal to 120% of a district judge's salary as determined pursuant to subsection (a)(1); and

(7) the chief justice of the supreme court shall receive for services an annual salary equal to 125% of a district judge's salary as determined pursuant to subsection (a)(1).

(b) If for any reason such district judge of the United States salary is decreased, the salaries established in this section shall remain the same for the next ensuing fiscal year unless diminished by general law applicable to all salaried officers of the state.

Sec. 5. K.S.A. 2022 Supp. 20-318 is hereby amended to read as follows: 20-318. (a) There is hereby created within the state of Kansas, a judicial department for the supervision of all courts in the state of Kansas. The supreme court shall divide the state into separate sections, not to exceed six in number, to be known as judicial departments, each of which shall be assigned a designation to distinguish it from the other departments. A justice of the supreme court shall be assigned as departmental justice for each judicial department.

(b) There is created hereby the position of judicial administrator of the courts, who shall be appointed by the chief justice of the supreme court to serve at the will of the chief justice. The judicial administrator shall have a broad knowledge of judicial administration and substantial prior experience in an administrative capacity. No person appointed as judicial administrator shall engage in the practice of law while serving in such capacity. Compensation of the judicial administrator shall be determined by the justices, ~~but shall not exceed the salary authorized by law for the judge of the district court.~~ The judicial administrator shall be responsible to the chief justice of the supreme court of the state of Kansas, and shall implement the policies of the court with respect to the operation and administration of the courts, subject to the provisions of K.S.A. 2022 Supp. 20-384, and amendments thereto, under the supervision of the chief justice. The administrator shall perform such other duties as are provided by law or assigned by the supreme court or the chief justice.

(c) Expenditures from appropriations for district court operations to be paid by the state shall be made on vouchers approved by the judicial administrator. All claims for salaries, wages or other compensation for district court operations to be paid by the state shall be certified as provided in K.S.A. 75-3731, and amendments thereto, by the judicial administrator.

Sec. 6. K.S.A. 20-2616 is hereby amended to read as follows: 20-2616. (a) Any retired justice of the supreme court, retired judge of the court of appeals, retired district judge or retired associate district judge may be designated and assigned to perform such judicial service and duties as such retired justice or judge is willing to undertake. Designation and assignment of a retired justice or judge in connection with any matter pending in the supreme court shall be made by the supreme court. Designation and assignment of a retired justice or judge in connection with any matter pending in any other court, including any court located within the judicial district in which the justice or judge resides, or to perform any other judicial service or duties shall be made by the chief justice of the supreme court. Any such judicial service or duties shall include necessary preparation and other out-of-court judicial service for hearings or for deciding matters or cases in conjunction with the judicial services and duties assigned under this section. Any designation and assignment may be revoked in the same manner and all such designations and assignments and revocations shall be filed of record in the office of the clerk of the court to which such assignment is made.

(b) A retired justice or judge so designated and assigned to perform judicial service or duties shall have the power and authority to hear and determine all matters covered by the assignment.

(c) Except as otherwise provided in this section, each retired justice or judge who performs judicial service or duties under this section shall receive (1) per diem compensation at the rate of per diem compensation in effect under K.S.A. 46-137a, and amendments thereto, (2) a per diem

subsistence allowance at the per diem subsistence allowance rate in effect under K.S.A. 46-137a, and amendments thereto, (3) a mileage allowance at the rate fixed under K.S.A. 75-3203a, and amendments thereto, and (4) all actual and necessary expenses for other than subsistence or travel, including necessary stenographic assistance, as may be incurred in performing such service or duties.

(d) No retired justice or judge shall be entitled to receive per diem compensation under this section for any day in a fiscal year after the date that the total of (1) the amount of per diem compensation earned under this section during that fiscal year and (2) the amount of the retirement annuity payable to such retired justice or judge for that fiscal year under the retirement system for judges, becomes equal to or more than the amount of the current annual salary of a district judge paid by the state under ~~K.S.A. 75-3120g~~ section 4, and amendments thereto, but such retired justice or judge shall receive the subsistence allowance, mileage allowance and actual and necessary expenses as provided under this section after such date.

(e) As used in this section, a retired justice or judge shall not include those justices or judges who were not retained in office, were not reelected to office, have been impeached from office or removed by the supreme court from office.

Sec. 7. K.S.A. 22a-105 is hereby amended to read as follows: 22a-105. Each of the district attorneys elected under this act shall receive an annual salary in the amount of no less than the salary provided for district judges in ~~K.S.A. 75-3120g~~ section 4, and amendments thereto. The salary of each district attorney shall be paid by the county comprising the judicial district in which the district attorney is elected in equal monthly installments and in the manner county officers and employees are paid. The district attorneys and their deputies and assistants shall be reimbursed for their actual travel and subsistence expenses incurred while in the performance of their official duties within or without the district.

Sec. 8. K.S.A. 40-102 is hereby amended to read as follows: 40-102. There is hereby established a department to be known as the insurance department, which shall have a chief officer entitled the commissioner of insurance ~~who shall receive, except as otherwise provided in K.S.A. 75-3111a, and amendments thereto, a salary at a biweekly pay rate of \$3,307.81, and such officer.~~ The commissioner of insurance shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state, and all other duties which are or may be imposed upon such officer by law.

Sec. 9. K.S.A. 75-3103 is hereby amended to read as follows: 75-3103. (a) The lieutenant governor shall receive, as reimbursement for expenses ~~the following: (1) Biweekly the sum of \$76.91, except as otherwise provided in subsection (c), and (2)~~ when attending the duties of office or attending any authorized meeting, in addition to other provisions of this section, travel expenses and subsistence expenses and allowances in amounts equal to those provided for by K.S.A. 75-3212, and amendments thereto.

(b) In addition to any other compensation provided by law ~~and except as otherwise provided in K.S.A. 75-3111a, and amendments thereto,~~ the lieutenant governor shall ~~also receive for services~~

~~in the performance of duties imposed by law compensation at the biweekly pay rate of \$1,204.35~~ receive for services an annual salary equal to 25% of the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date. While acting as governor, the lieutenant governor shall receive the same salary as the governor. The lieutenant governor may appoint an administrative assistant and other office ~~and stenographic~~ employees, all of whom shall be in the unclassified service of the Kansas civil service act. Such administrative assistant shall receive travel expenses and subsistence expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto, when traveling as authorized by the lieutenant governor.

~~(b,c)~~ If the lieutenant governor is appointed by the governor under the provision of K.S.A. 75-303, and amendments thereto, the lieutenant governor shall receive a salary ~~to be fixed by the governor~~ pursuant to section 3, and amendments thereto, or a salary as provided for in subsection ~~(a) of this section~~ (b), whichever is greater.

~~(c) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the sum provided biweekly for reimbursement of expenses pursuant to subsection (a)(1) for the lieutenant governor shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the biweekly sum provided to the lieutenant governor for reimbursement of expenses as authorized by this section.~~

Sec. 10. K.S.A. 75-3120k is hereby amended to read as follows: 75-3120k. (a) ~~The annual salary of district magistrate judges shall be paid in equal installments each payroll period in accordance with this section.~~

~~(b) Subject to the provisions of subsection (c) and except as otherwise provided in K.S.A. 75-3120l, and amendments thereto, the annual salary of district magistrate judges shall be \$59,059.~~

~~(c)~~ Within the limits of the appropriations therefor, the county or counties comprising the judicial district may supplement the salary of, or pay any compensation to, any district magistrate judge. Any such supplemental salary or compensation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the district magistrate judge supplemental compensation fund. Any associated employer contributions and payments with respect to such supplemental salary or compensation that are made payable under law shall be paid by the county or counties providing such supplemental salary or compensation, in addition to such supplemental salary or compensation, in the same manner and under the same conditions and requirements as compensation payable pursuant to ~~subsection (b)~~ section 4, and amendments thereto. All such associated employer contributions and payments shall be remitted for deposit in the state treasury and shall be credited to the district magistrate supplemental compensation fund at the same time and in the same manner as such supplemental salary or compensation. As used in this section, employer contributions shall include, and the county or counties shall be required to contribute, employer contributions required pursuant to K.S.A. 20-2605, and amendments thereto, for any district magistrate judge who is a member of the retirement system for judges.

(~~e~~b) There is hereby established in the state treasury the district magistrate judge supplemental compensation fund.

(~~e~~c) All moneys credited to the district magistrate judge supplemental compensation fund shall be paid to, or on behalf of, the district magistrate judge or district magistrate judges for whom such moneys were remitted by the county or counties subject to the same conditions or restrictions imposed or prescribed by law, including any applicable withholding or other taxes, associated employer contributions and authorized payroll deductions.

(~~f~~d) All expenditures from the district magistrate judge supplemental compensation fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(~~g~~e) All salary or other compensation under this section shall be considered to be compensation provided by law for services as a district magistrate judge for all purposes under law.