

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 229**

As Recommended by House Committee on  
Legislative Modernization

**Brief\***

House Sub. for SB 229 would establish a nine-member Legislative Compensation Commission (Commission) consisting of individuals who are not members of the Legislature, legislative employees, or registered lobbyists. Among other things, the Commission would be authorized to study compensation, salary, and retirement benefits of legislative members, make recommendations on legislator retirement benefits, and set compensation rates for legislators. The bill would also provide a process for appointment to the Commission, an initial legislator compensation study, initial compensation changes, and a method for the Legislature to reject the compensation rate set by the Commission.

The bill would be in effect upon publication in the *Kansas Register*.

***Commission Composition and Appointment***

The Commission would be composed of nine members, who are not current legislators, legislative staff, or registered lobbyists. Members would be appointed in the following manner:

- One former legislator by the Speaker of the House of Representatives (House);

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\*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>

- One former legislator by the Senate President;
- One member by the Speaker Pro Tem of the House;
- One member by the Senate Vice President;
- One member by the House Majority Leader;
- One member by the Senate Majority Leader;
- One member by the House Minority Leader;
- One member by the Senate Minority Leader; and
- One member by the Governor.

All initial members, excluding the member appointed by the Speaker of the House, would be appointed by September 1, 2023.

The bill would require the initial member appointed by the Speaker of the House to be appointed prior to August 1, 2023. Additionally, this appointee would serve as the Commission's first chairperson, and the initial member appointed by the Senate President would serve as the first vice-chairperson.

The bill would require the subsequent chairperson to be appointed by the Senate President prior to August 1, 2026, and the vice-chairperson to be appointed by the Speaker of the House prior to September 1, 2026. The bill would require new members of the Commission to be appointed in 2026 and every four years after. After 2026, the bill would allow for the chairperson and vice-chairperson appointments to alternate between the House Speaker and Senate President, beginning with the House Speaker appointing the Commission chairperson. In each year a new commission is appointed, the bill would require the chairperson to be

appointed by August 1 and the vice-chairperson to be appointed by September 1.

Any vacancy would be filled in the same manner as the original appointment, and members could be reappointed. A member's term would last until the Commission has completed its responsibilities to study legislative pay, set a compensation rate, and make recommendations related to retirement benefits.

### ***Powers, Duties, and Responsibilities***

The Commission would be authorized to:

- Study the compensation, salary, and retirement benefits of legislators;
- Set the rates of compensation and salary for members of the Legislature; and
- Make recommendations related to legislator retirement benefits.

Commissions appointed in 2026 and after would be required to set the rate of compensation for legislators for the four-year period commencing on the first day of the next commencing terms of office of elected Senators by December 1 of the calendar year after the Commission's appointment.

The bill would require the Commission appointed in 2023 to establish a rate of compensation and salary by December 1, 2023, for legislators for a four-year period starting on the first day of the 2025 Legislative Session.

### ***Compensation Rate Rejection Process***

The compensation rate and salary established by the Commission would become the rate of compensation and salary for legislators unless the Legislature rejects the rates

via adoption of a concurrent resolution no later than 30 days after the start of a legislative session immediately following the submission of the rates. The concurrent resolution could contain a requirement for the Commission to meet within 14 days of the concurrent resolution's adoption and submit another compensation rate prior to 30 days after adoption of the concurrent resolution. The Legislature would have until *Sine Die* to reject the second submitted compensation rate. If the second compensation rate is also rejected, the most current rate would remain in effect.

### ***Meetings, Quorum, and Commission Compensation***

The bill would allow the Commission to meet upon call of the chairperson, and would define a quorum as a majority of the members of the Commission (five). Commission members would be eligible for compensation, allowance, and mileage as provided by current law.

### **Background**

The House Committee on Legislative Modernization recommended a substitute bill incorporating the provisions of HB 2448, as amended by the House Committee, regarding establishment of the Legislative Compensation Commission.

HB 2448 was introduced by the House Committee on Appropriations at the request of the Wichita Regional Chamber of Commerce.

SB 229 was introduced by the Senate Committee on Commerce at the request of Senator O'Shea. As introduced, the bill would have authorized issuance of a City of Topeka license plate. [*Note:* These provisions were not retained in the substitute bill.]

## ***HB 2448—Legislative Compensation Commission***

### *House Committee on Legislative Modernization*

In the House Committee hearing, **proponent** testimony was provided by a representative of the Wichita Regional Chamber of Commerce indicating legislative services should not result in financial wealth or extreme financial hardship, and the bill would allow for a more representative democracy.

Written-only proponent testimony was provided by the Kansas Contractors Association indicating the bill would allow for a mechanism to study current legislator compensation and prevent conflicts of interest when establishing such compensation.

The House Committee amended the bill to:

- Clarify certain appointments, Commission responsibilities, and legislative action for 2026 and after; and
- Add the term salary where appropriate.

The House Committee then removed the contents of SB 229, which originally related to issuance of City of Topeka license plates; inserted the contents of HB 2448, as amended; and recommended a substitute bill be passed.

### **Fiscal Information**

#### ***HB 2448 (Legislative Compensation Commission)***

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, Legislative Administrative Services indicates enactment of the bill would require \$18,830 from the State General Fund for Commission member compensation in years when the Commission would convene. Any fiscal effect associated with enactment of the bill is not reflected in the *FY 2024 Governor's* budget report.

Legislative Compensation; Legislature; Commission