

## **Legislative, Judicial, and State Official Compensation; House Sub. for SB 229**

**House Sub. for SB 229** establishes a nine-member Legislative Compensation Commission (Commission) and requires the Commission to study compensation, salary, and retirement benefits of legislative members; make recommendations on legislator retirement benefits; and set compensation and salary rates for legislators. The bill provides 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.

Also, beginning January 1, 2025, and subject to appropriations, the bill establishes compensation rates for certain state officials, judges, and certain elected district attorneys that is to be equal to a percentage of the salaries for a U.S. congressional member, a U.S. district judge, or a district judge.

The bill takes effect upon publication in the *Kansas Register*.

### ***Commission Composition and Appointment***

The Commission is composed of nine members who the bill prohibits from being current members of the Legislature, legislative staff, or registered lobbyists. The members of the Commission will be appointed in the following manner:

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

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

The bill requires the initial Commission member appointed by the Speaker of the House to be appointed prior to August 1, 2023. This appointee serves as the Commission's first chairperson, and the initial Commission member appointed by the President of the Senate serves as the first vice-chairperson.

The bill requires the subsequent chairperson to be appointed by the President of the Senate 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 requires new members of the Commission to be appointed in the year 2026 and every four years after. After 2026, the bill allows for the chairperson and vice-chairperson appointments to alternate between the Speaker of the House

and President of the Senate, beginning with the Speaker of the House appointing the Commission's chairperson. In each year a new commission is appointed, the bill requires the chairperson to be appointed by August 1 and the vice-chairperson to be appointed by September 1.

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

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

The Commission is 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.

The bill states the Commission appointed in the year 2026 and thereafter is required to set the rate of compensation for legislators for the four-year period commencing on the first day of the next term of office of elected Senators by December 1 of the calendar year after the Commission's appointment.

The bill requires 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 bill requires the compensation rate and salary established by the Commission to become the rate of compensation and salary for legislators unless the Legislature rejects the rates through adoption of a concurrent resolution no later than 30 days after the start of a legislative session immediately following the submission of the compensation and salary rates. The concurrent resolution contains a requirement for the Commission to meet within 14 days of the concurrent resolution's adoption and submit another compensation and salary rate prior to 30 days after adoption of the concurrent resolution. The Legislature has until *Sine Die* to reject the second submitted compensation and salary rate. If the second compensation and salary rate is also rejected, the most current rate would remain in effect.

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

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

### ***Certain Elected Officials Compensation***

The bill establishes new compensation rates, subject to appropriations, for certain elected officials. The new compensation is tied to the salary of a member of the U.S. Congress, not in a leadership role (congressional salary), which is currently \$174,000, minus a certain percentage depending on the office. Percentages and salary information would be as follows:

- The Governor's salary will be equal to 100 percent of the congressional salary (\$174,000);
- The Lieutenant Governor's salary will be equal to 25 percent of the congressional salary (\$43,000);
- The Attorney General's salary will be equal to 2.5 percent less than the congressional salary (\$169,650); and
- The salaries of the Secretary of State, State Treasurer, and Commissioner of Insurance will be equal to 7.5 percent less than the congressional salary (\$160,950).

[*Note: Salary amounts were obtained from the Congressional Research Service report Congressional Salaries and Allowances: In Brief, updated December 16, 2022.*]

The bill also stipulates that if the congressional salary is decreased, the referenced salaries would remain the same for the ensuing fiscal year, unless reduced by law applicable to all salaried state officers.

### ***Judicial Compensation***

The bill establishes new compensation rates, subject to appropriations, for certain judge and justice positions and removes any reference in law to compensation limitations for such offices. The new rates would be a percentage of the annual salary for a U.S. district judge which is currently \$232,600 or the new compensation rate for a district judge. Percentages and salary information established as follows:

- District judge salaries will be equal to 75 percent of the annual salary of a U.S. district judge (\$174,450);
- District magistrate judge salaries will be equal to 55 percent of the annual salary of a district judge (\$95,947);
- Chief Judge of the District Court salaries will be equal to 105 percent of the annual salary of a district judge (\$183,173);
- Judge of the Court of Appeals salaries will be equal to 110 percent of the annual salary of a district judge (\$191,895);

- Chief Judge of the Court of Appeals salary will be equal to 115 percent of the annual salary of a district judge (\$200,618);
- Supreme Court Justice salaries will be equal to 120 percent of the annual salary of district judges (\$209,340);
- Chief Justice of the Supreme Court salary will be equal to 125 percent of a district judge salary (\$218,063); and
- District attorney salaries will be equal to 75 percent of the annual salary of a U.S. district judge (\$174,450).

[*Note:* Salary amounts were obtained from the U.S. Courts website under Judges & Judgeships, Judicial Compensation.]

The bill would also stipulate that if the salary for a U.S. District Court Judge is decreased, the referenced salaries would remain the same for the ensuing fiscal year, unless reduced by law applicable to all salaried state officers.

### ***Other Compensation Changes***

The bill removes references in law pertaining to existing compensation limitations for certain elected officers, the Lieutenant Governor, Governor's Cabinet members, and certain judges.