

## SENATE BILL No. 585

By Ways and Means

3-30

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9 AN ACT concerning state officers; relating to salaries and compensation;  
10 amending K.S.A. 46-1102, 75-3120f, 75-3212 and 75-3223 and K.S.A.  
11 2009 Supp. 40-102, 46-137a, 46-137b, 75-3101, 75-3103, 75-3104, 75-  
12 3108, 75-3110, 75-3120g, 75-3120h, 75-3120k and 75-7427 and re-  
13 pealing the existing sections.  
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) Commencing on the first day of the first payroll  
17 period which is chargeable to the fiscal year ending on June 30, 2011, the  
18 rate of compensation for each state officer in effect on the first day of  
19 such payroll period is hereby reduced by 5.0%. The resulting rate of  
20 compensation for each such state officer shall be in effect for each payroll  
21 period chargeable to the fiscal year ending June 30, 2011, and shall not  
22 be increased for any payroll period chargeable to the fiscal year ending  
23 June 30, 2011, except as specifically authorized by statute.

24 (b) Commencing on the first day of the first payroll period which is  
25 chargeable to the fiscal year ending on June 30, 2011, the rate of com-  
26 pensation for staff of legislative officers specified in K.S.A. 46-137b, and  
27 amendments thereto, other than the chiefs of staff of such legislative  
28 officers, in effect on the first day of such payroll period is hereby reduced  
29 by 2.5%. The resulting rate of compensation for each such state officer  
30 or employee shall be in effect for each payroll period chargeable to the  
31 fiscal year ending June 30, 2011, and shall not be increased for any payroll  
32 period chargeable to the fiscal year ending June 30, 2011, except as spe-  
33 cifically authorized by statute.

34 (c) The secretary of administration is hereby authorized and directed  
35 to implement and administer the provisions of this section to provide for  
36 such reductions. The secretary of administration shall ensure that such  
37 reductions to the rate of compensation of the state officers subject to the  
38 provisions of this section for the fiscal year 2011 have been implemented.  
39 The secretary of administration is hereby authorized to reduce any such  
40 rate of compensation to implement the provisions of this section.

41 (d) As used in this section:

42 (1) "State agency" has the meaning ascribed thereto by K.S.A. 75-  
43 3701, and amendments thereto, and includes the governor's department,

1 lieutenant governor, attorney general, secretary of state, state treasurer,  
2 commissioner of insurance, each agency of the executive branch, the leg-  
3 islature and each agency of the legislative branch, the judicial branch and  
4 each agency of the judicial branch.

5 (2) “State officer” means:

6 (A) The governor, lieutenant governor, attorney general, secretary of  
7 state, state treasurer, commissioner of insurance, each secretary of a de-  
8 partment or other chief executive officer of a department of the executive  
9 branch, each member of a board, commission, council or authority of the  
10 executive branch;

11 (B) each member of the legislature, each legislative officer specified  
12 in K.S.A. 46-137b, and amendments thereto, each chief of staff of each  
13 legislative officer specified in K.S.A. 46-137b, and amendments thereto;

14 (C) each justice of the supreme court, each judge of the court of  
15 appeals, each district judge, each district magistrate judge; and

16 (D) each other state officer in the executive branch, legislative branch  
17 or judicial branch of state government whose position is specified by stat-  
18 ute or is otherwise determined to be a salaried officer of the state as that  
19 phrase is used in section 15 of article 1 or section 13 of article 3 of the  
20 Constitution of the State of Kansas, and in any case “state officer” in-  
21 cludes all salaried officers of the state as that phrase is used in section 15  
22 of article 1 or section 13 of article 3 of the Constitution of the State of  
23 Kansas.

24 (3) “Compensation” means any salary or per diem compensation pro-  
25 vided by law for a state officer.

26 Sec. 2. On June 13, 2010, K.S.A. 2009 Supp. 40-102 is hereby  
27 amended to read as follows: 40-102. (a) There is hereby established a  
28 department to be known as the insurance department, which shall have  
29 a chief officer entitled the commissioner of insurance who shall receive,  
30 except as otherwise provided in K.S.A. 75-3111a, and amendments  
31 thereto, a salary at a biweekly pay rate of \$3,307.81, and such officer shall  
32 be charged with the administration of all laws relating to insurance, in-  
33 surance companies and fraternal benefit societies doing business in this  
34 state, and all other duties which are or may be imposed upon such officer  
35 by law.

36 (b) *The salary set forth by this section shall be reduced by 5.0% for*  
37 *each payroll period which is chargeable to the fiscal year ending on June*  
38 *30, 2011, in accordance with section 1, and amendments thereto.*

39 Sec. 3. On June 13, 2010, K.S.A. 2009 Supp. 46-137a is hereby  
40 amended to read as follows: 46-137a. In addition to the compensation  
41 provided for by K.S.A. 46-137b, 46-137e and 75-3212, and amendments  
42 thereto, each member of the legislature shall receive the following  
43 amounts:

- 1 (a) The sum of \$88.66 per calendar day for service at any regular or  
2 special session, except as otherwise provided in subsection (e);
- 3 (b) the sum of \$109 per calendar day for subsistence allowance for  
4 any regular or special session of the legislature, except that if the amounts  
5 allowable for the capital city of Kansas under applicable federal law and  
6 regulations to employees of the executive branch of the federal govern-  
7 ment for per diem expenses, while away from home but serving in the  
8 United States, are amounts which total greater than \$109, then each  
9 member of the legislature shall receive such greater total amount per  
10 calendar day for subsistence allowance for any regular or special session  
11 of the legislature;
- 12 (c) an allowance of \$354.15 for the two-week period which coincides  
13 with the biweekly payroll period which includes April 1st and for each of  
14 the 19 ensuing two-week periods thereafter, to defray expenses incurred  
15 between sessions of the legislature for postage, telephone, office and  
16 other incidental expenses, except as otherwise provided in subsection (f);  
17 *and*
- 18 (d) an allowance for mileage in an amount equal to the rate per mile  
19 prescribed under the provisions of K.S.A. 75-3203a, and amendments  
20 thereto, multiplied by the number of miles traveled by the usual route in  
21 going to and returning from the member's place of residence for any  
22 regular or special session of the legislature. Such mileage allowances shall  
23 be paid for not to exceed the equivalent of one trip for each full week  
24 occurring between convening and adjournment sine die in any regular or  
25 special session. The mileage allowance provided under the provisions of  
26 this subsection shall not be subject to the restrictions relating to the use  
27 of vehicles prescribed by K.S.A. 75-3203 and 75-3203a, and amendments  
28 thereto, but shall only be allowed for trips actually made. Compensation  
29 and subsistence allowance shall not be allowed under the provisions of  
30 subsections (a) and (b) of this section during any period in which the  
31 legislature is adjourned for more than two days, Sundays excepted, ~~and~~.
- 32 (e) Whenever the rates of compensation of the pay plan for persons  
33 in the classified service under the Kansas civil service act are increased  
34 for payroll periods chargeable to fiscal years commencing after June 30,  
35 2009, the rate of compensation per calendar day for members of the  
36 legislature for service at any regular or special session of the legislature  
37 shall be increased on the effective date of any such pay plan increase by  
38 an amount computed by multiplying the average of the percentage in-  
39 creases in all steps of such pay plan by the rate of compensation per  
40 calendar day which is authorized by this section for service at any regular  
41 or special session of the legislature for the day upon which such increase  
42 is computed.
- 43 (f) Whenever the rates of compensation of the pay plan for persons

1 in the classified service under the Kansas civil service act are increased  
2 for payroll periods chargeable to fiscal years commencing after June 30,  
3 2009, the allowance provided for each member of the legislature by sub-  
4 section (c) to defray expenses incurred between sessions of the legislature  
5 for postage, telephone, office and other incidental expenses for each of  
6 the two-week periods specified by subsection (c) shall be increased on  
7 the effective date of any such pay plan increase by an amount computed  
8 by multiplying the average of the percentage increases in all steps of such  
9 pay plan by the allowance provided to defray such expenses for each such  
10 two-week period as provided by this section.

11 (g) *The per diem compensation provided by subsection (a) shall be*  
12 *reduced by 5.0% for each payroll period which is chargeable to the fiscal*  
13 *year ending on June 30, 2011, in accordance with section 1, and amend-*  
14 *ments thereto.*

15 Sec. 4. On June 13, 2010, K.S.A. 2009 Supp. 46-137b is hereby  
16 amended to read as follows: 46-137b. (a) In addition to the compensation  
17 provided for by K.S.A. 46-137a and 75-3212, and amendments thereto,  
18 and any other statute, and except as otherwise provided by subsection  
19 (b):

20 (1) The president of the senate and the speaker of the house of rep-  
21 resentatives shall each receive an allowance at a biweekly pay rate of  
22 \$539.97 during their terms of office as speaker and president, which com-  
23 pensation shall be for additional services performed in connection with  
24 discharging the duties assigned to the respective positions;

25 (2) the speaker pro tem of the house of representatives, the vice pre-  
26 sident of the senate, the assistant majority leaders of the senate and house  
27 of representatives and the assistant minority leaders of the senate and  
28 house of representatives shall each receive an allowance at a biweekly pay  
29 rate of \$275.59 during their respective terms of office which compensa-  
30 tion shall be for additional services performed in connection with dis-  
31 charging the duties assigned to the respective positions;

32 (3) the chairperson of the senate committee on ways and means and  
33 the chairperson of the house committee on appropriations shall each re-  
34 ceive an allowance at a biweekly pay rate of \$434.23 during their respec-  
35 tive terms of office, which compensation shall be for additional services  
36 performed in connection with discharging the duties assigned to the re-  
37 spective positions; and

38 (4) the majority and minority leaders of the senate and the house of  
39 representatives shall each receive an allowance at a biweekly pay rate of  
40 \$487.14 during their respective terms of office, which compensation shall  
41 be for additional services performed in connection with discharging the  
42 duties assigned to the respective positions.

43 (b) Whenever the rates of compensation of the pay plan for persons

1 in the classified service under the Kansas civil service act are increased  
2 for payroll periods chargeable to fiscal years commencing after June 30,  
3 2009, the biweekly pay rate of officers of the legislature specified in sub-  
4 section (a) shall be increased on the effective date of any such pay plan  
5 increase by an amount computed by multiplying the average of the per-  
6 centage increases in all steps of such pay plan by the biweekly pay rate  
7 of such officers which is being received as provided by law and which is  
8 in effect prior to the effective date of such pay plan increase.

9 *(c) The compensation provided by subsection (a) shall be reduced by*  
10 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
11 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

12 Sec. 5. On June 13, 2010, K.S.A. 46-1102 is hereby amended to read  
13 as follows: 46-1102. (a) There is hereby established the office of post  
14 auditor. The post auditor shall be appointed by the legislative post audit  
15 committee and shall serve under its direction. The post auditor may be  
16 removed from office by the affirmative vote of not less than seven mem-  
17 bers of the legislative post audit committee taken at any regular meeting  
18 of such committee. The post auditor shall be a person of extensive ex-  
19 perience and recognized qualification in the field of governmental fiscal  
20 procedures and auditing. The post auditor shall be in the unclassified  
21 service and shall receive such compensation as is determined by the leg-  
22 islative coordinating council, except that such compensation may be in-  
23 creased but not diminished during such service. The legislative post audit  
24 committee may recommend to the legislative coordinating council  
25 changes in the compensation of the post auditor. The post auditor shall  
26 receive travel expenses and subsistence expenses and allowances as pro-  
27 vided for members of the legislature in K.S.A. 75-3212, and amendments  
28 thereto, when attending any authorized meeting or business outside the  
29 city of Topeka.

30 *(b) Notwithstanding any other provisions of this section, the compen-*  
31 *sation paid to the post auditor shall be reduced by 5.0% for each payroll*  
32 *period which is chargeable to the fiscal year ending on June 30, 2011, in*  
33 *accordance with section 1, and amendments thereto.*

34 Sec. 6. On June 13, 2010, K.S.A. 2009 Supp. 75-3101 is hereby  
35 amended to read as follows: 75-3101. (a) Except as otherwise provided  
36 in K.S.A. 75-3111a, and amendments thereto, the governor of the state  
37 shall receive for services a salary at a biweekly pay rate of \$4,257.97.

38 *(b) The compensation provided by subsection (a) shall be reduced by*  
39 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
40 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

41 Sec. 7. On June 13, 2010, K.S.A. 2009 Supp. 75-3103 is hereby  
42 amended to read as follows: 75-3103. (a) The lieutenant governor shall  
43 receive, as reimbursement for expenses the following: (1) Biweekly the

1 sum of \$76.91, except as otherwise provided in subsection (c), and (2)  
2 when attending the duties of office or attending any authorized meeting,  
3 in addition to other provisions of this section, travel expenses and subsis-  
4 tence expenses and allowances in amounts equal to those provided for by  
5 K.S.A. 75-3212, and amendments thereto.

6 In addition to any other compensation provided by law and except as  
7 otherwise provided in K.S.A. 75-3111a, and amendments thereto, the  
8 lieutenant governor shall also receive for services in the performance of  
9 duties imposed by law compensation at the biweekly pay rate of  
10 \$1,204.35. While acting as governor, the lieutenant governor shall receive  
11 the same salary as the governor. The lieutenant governor may appoint an  
12 administrative assistant and office and stenographic employees, all of  
13 whom shall be in the unclassified service of the Kansas civil service act.  
14 Such administrative assistant shall receive travel expenses and subsistence  
15 expenses or allowances as provided by K.S.A. 75-3212, and amendments  
16 thereto, when traveling as authorized by the lieutenant governor.

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

21 (c) Whenever the rates of compensation of the pay plan for persons  
22 in the classified service under the Kansas civil service act are increased  
23 for payroll periods chargeable to fiscal years commencing after June 30,  
24 2009, the sum provided biweekly for reimbursement of expenses pursu-  
25 ant to subsection (a)(1) for the lieutenant governor shall be increased on  
26 the effective date of any such pay plan increase by an amount computed  
27 by multiplying the average of the percentage increases in all steps of such  
28 pay plan by the biweekly sum provided to the lieutenant governor for  
29 reimbursement of expenses as authorized by this section.

30 (d) *The compensation provided by this section shall be reduced by*  
31 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
32 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

33 Sec. 8. On June 13, 2010, K.S.A. 2009 Supp. 75-3104 is hereby  
34 amended to read as follows: 75-3104. (a) Except as otherwise provided  
35 in K.S.A. 75-3111a, and amendments thereto, the secretary of state shall  
36 receive for services a salary at a biweekly pay rate of \$3,307.81.

37 (b) *The compensation provided by subsection (a) shall be reduced by*  
38 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
39 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

40 Sec. 9. On June 13, 2010, K.S.A. 2009 Supp. 75-3108 is hereby  
41 amended to read as follows: 75-3108. (a) Except as otherwise provided  
42 in K.S.A. 75-3111a, and amendments thereto, the state treasurer shall  
43 receive for services a salary at a biweekly pay rate of \$3,307.81.

1     **(b)** *The compensation provided by subsection (a) shall be reduced by*  
2 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
3 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

4     Sec. 10. On June 13, 2010, K.S.A. 2009 Supp. 75-3110 is hereby  
5 amended to read as follows: 75-3110. *(a)* Except as otherwise provided  
6 in K.S.A. 75-3111a, and amendments thereto, the attorney general shall  
7 receive for services a salary at a biweekly pay rate of \$3,803.89.

8     **(b)** *The compensation provided by subsection (a) shall be reduced by*  
9 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
10 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

11     Sec. 11. On June 13, 2010, K.S.A. 75-3120f is hereby amended to  
12 read as follows: 75-3120f. *(a)* The annual salary of the chief justice of the  
13 supreme court and each of the other justices of the supreme court shall  
14 be paid in equal installments each payroll period in accordance with this  
15 section.

16     **(b)** Except as otherwise provided in K.S.A. 75-3120l and amendments  
17 thereto, the annual salary of the chief justice of the supreme court shall  
18 be ~~\$84,278~~ \$139,310.

19     **(c)** Except as otherwise provided in K.S.A. 75-3120l and amendments  
20 thereto, the annual salary of other justices of the supreme court shall be  
21 ~~\$82,005~~ \$135,905.

22     **(d)** *The salaries set forth by this section shall be reduced by 5.0% for*  
23 *each payroll period which is chargeable to the fiscal year ending on June*  
24 *30, 2011, in accordance with section 1, and amendments thereto.*

25     Sec. 12. On June 13, 2010, K.S.A. 2009 Supp. 75-3120g is hereby  
26 amended to read as follows: 75-3120g. *(a)* The annual salary of district  
27 judges shall be paid in equal installments each payroll period in accord-  
28 ance with this section.

29     **(b)** Except as otherwise provided in K.S.A. 75-3120l, and amend-  
30 ments thereto, the annual salary of district judges, other than district  
31 judges designated as chief judges, shall be \$114,813.

32     **(c)** Except as otherwise provided in K.S.A. 75-3120l, and amend-  
33 ments thereto, the annual salary of district judges designated as chief  
34 judges shall be \$115,977.

35     **(d)** No county may supplement the salary of, or pay any compensation  
36 to, any district judge.

37     **(e)** *The compensation provided by subsections (b) and (c) shall be*  
38 *reduced by 5.0% for each payroll period which is chargeable to the fiscal*  
39 *year ending on June 30, 2011, in accordance with section 1, and amend-*  
40 *ments thereto.*

41     Sec. 13. On June 13, 2010, K.S.A. 2009 Supp. 75-3120h is hereby  
42 amended to read as follows: 75-3120h. *(a)* The annual salary of the chief  
43 judge of the court of appeals and each of the other judges of the court

1 of appeals shall be paid in equal installments each payroll period in ac-  
2 cordance with this section.

3 (b) Except as otherwise provided in K.S.A. 75-3120l, and amend-  
4 ments thereto, the annual salary of the chief judge of the court of appeals  
5 shall be \$122,062.

6 (c) Except as otherwise provided in K.S.A. 75-3120l, and amend-  
7 ments thereto, the annual salary of the other judges of the court of appeals  
8 shall be \$118,971.

9 (d) *The compensation provided by subsections (b) and (C) shall be*  
10 *reduced by 5.0% for each payroll period which is chargeable to the fiscal*  
11 *year ending on June 30, 2011, in accordance with section 1, and amend-*  
12 *ments thereto.*

13 Sec. 14. On June 13, 2010, K.S.A. 2009 Supp. 75-3120k is hereby  
14 amended to read as follows: 75-3120k. (a) The annual salary of district  
15 magistrate judges shall be paid in equal installments each payroll period  
16 in accordance with this section.

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

20 (c) Within the limits of the appropriations therefor, the county or  
21 counties comprising the judicial district may supplement the salary of, or  
22 pay any compensation to, any district magistrate judge.

23 (d) *The compensation provided by subsection (b) shall be reduced by*  
24 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
25 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

26 Sec. 15. On June 13, 2010, K.S.A. 75-3212 is hereby amended to  
27 read as follows: 75-3212. (a) In addition to amounts authorized under  
28 K.S.A. 46-137a, 46-137b and 46-137e, and amendments thereto, mem-  
29 bers of the senate and the house of representatives of the state and other  
30 persons or officers of various committees, delegations, subcommittees,  
31 boards, commissions and councils referred to in this act shall be paid  
32 compensation and travel expenses and subsistence expenses or allowance  
33 for such service as follows: ~~(a)~~ (1) A per diem compensation of ~~thirty-five~~  
34 ~~dollars (\$35)~~ \$35 for each day of actual attendance at authorized in-state  
35 or out-of-state meetings except that members of the senate and the house  
36 of representatives shall receive per diem compensation therefor in the  
37 amount prescribed under subsection (a) of K.S.A. 46-137a ~~or any~~, and  
38 amendments thereto; ~~(b)~~ (2) the sum specified in subsection (b) of K.S.A.  
39 46-137a ~~or any~~, and amendments thereto, for subsistence allowance per  
40 any day or part thereof spent in actual attendance at any such in-state  
41 meeting; ~~(c)~~ (3) for any day, or part thereof, other than the day of the  
42 meeting, the sum specified in subsection (b) of K.S.A. 46-137a ~~or any~~,  
43 and amendments thereto, for subsistence allowance incurred in going to

1 and returning from such in-state meetings, provided such person resides  
2 more than ~~one hundred (100)~~ 100 miles from the location of the meeting;  
3 ~~(d) (4)~~ the mileage rate authorized by K.S.A. 75-3203a ~~or any, and~~ amend-  
4 ments thereto, for each mile actually traveled by the usual route in going  
5 to and returning from the place where an authorized in-state meeting is  
6 held; and ~~(e) (5)~~ the sum specified in K.S.A. 46-137a, and ~~any~~ amend-  
7 ments thereto, for subsistence allowance per day or part thereof while  
8 attending and going to and from any out-of-state meeting authorized by  
9 the chairperson or the rules of the commission, committee or council, or  
10 as otherwise authorized in accordance with this act or if the actual sub-  
11 sistence expenses of such officer are in excess of the allowance prescribed  
12 such officer shall be entitled to be reimbursed for such officer's actual  
13 subsistence expenses incurred while attending such out-of-state meeting.  
14 Such officers shall also be entitled to mileage allowances at the rate au-  
15 thorized by K.S.A. 75-3203a ~~or any, and~~ amendments thereto, for each  
16 mile actually traveled by the usual route in going to and returning from  
17 the place of any such out-of-state meetings if private conveyance is used,  
18 or actual transportation cost if private conveyance is not used. No legis-  
19 lator shall receive compensation under this section during any legislative  
20 session except when the legislature is adjourned for a period of more than  
21 two days, Sundays excepted. No legislator shall receive subsistence ex-  
22 penses or allowances under this section for attendance at any in-state  
23 meeting during any legislative session or for which subsistence expenses  
24 or allowances are authorized under the provisions of K.S.A. 46-137e, *and*  
25 *amendments thereto*. The total of both subsistence expenses and allow-  
26 ances allowed under this section during a legislative session and subsis-  
27 tence allowances allowed under K.S.A. 46-137a, *and amendments thereto*,  
28 during such session shall be limited to the amount equal to the combined  
29 total actual subsistence expenses incurred in Topeka and in out-of-state  
30 travel. The provisions of the third sentence of K.S.A. 75-4606, *and amend-*  
31 *ments thereto*, shall not apply to any legislator, and any legislator may use  
32 a privately owned motor vehicle and receive reimbursement for mileage  
33 at the rate provided in K.S.A. 75-3203a, and amendments thereto,  
34 whether traveling under authority of such statute or this act.

35 *(b) The compensation provided by subsection (a) shall be reduced by*  
36 *5.0% for each payroll period which is chargeable to the fiscal year ending*  
37 *on June 30, 2011, in accordance with section 1, and amendments thereto.*

38 Sec. 16. On June 13, 2010, K.S.A. 75-3223 is hereby amended to  
39 read as follows: 75-3223. (a) Whenever it is provided by law that a mem-  
40 ber of a board is to receive compensation as provided in this section, such  
41 member shall be paid per diem compensation of ~~thirty-five dollars (\$35)~~  
42 \$35 for each day of actual attendance at any meeting of such board or  
43 any subcommittee meeting authorized by such board. No per diem com-

1   pensation shall be paid under this section to salaried state officers or  
2   employees except that whenever a member of the legislature is a member  
3   of a board he or she shall receive compensation as provided in K.S.A. 75-  
4   3212, and amendments thereto.

5   (b) Whenever it is provided by law that a member of a board is to be  
6   paid subsistence allowances as provided in this section, such member shall  
7   be paid subsistence allowances as provided in K.S.A. 75-3207, *and amend-*  
8   *ments thereto*, unless such member is also a member of the legislature,  
9   in which case such member shall be paid subsistence allowances as pro-  
10   vided in K.S.A. 75-3212, and amendments thereto.

11   (c) Whenever it is provided by law that a member of a board shall be  
12   paid mileage as provided in this section, such member shall be paid the  
13   mileage rate prescribed under K.S.A. 75-3203a, and amendments thereto,  
14   for miles actually traveled in going to and returning from a meeting of  
15   such board (or any subcommittee meeting authorized by such board),  
16   computed in accordance with rules and regulations of the secretary of  
17   administration adopted under K.S.A. 75-3207, *and amendments thereto*.

18   (d) Whenever it is provided by law that a member of a board shall  
19   be paid expenses (in addition to mileage and subsistence), such member  
20   shall be paid actual and necessary expenses incurred in performing his or  
21   her statutory duties as such member in accordance with K.S.A. 75-3203  
22   and ~~amendments thereto~~ and K.S.A. 75-3207, *and amendments thereto*,  
23   and rules and regulations of the secretary of administration adopted under  
24   K.S.A. 75-3207, *and amendments thereto*.

25   (e) Whenever it is provided by law that members of a board shall  
26   receive amounts provided for in *this* subsection (e) of K.S.A. 75-3223,  
27   and amendments thereto, such members shall receive subsistence allow-  
28   ances as provided in K.S.A. 75-3207, and amendments thereto, mileage  
29   at the rate prescribed under K.S.A. 75-3203a, and amendments thereto,  
30   and other actual and necessary expenses incurred in performing his or  
31   her statutory duties as such member in accordance with K.S.A. 75-3203,  
32   and amendments thereto, and rules and regulations of the secretary of  
33   administration adopted under K.S.A. 75-3207, *and amendments thereto*,  
34   unless such member is a legislator in which case such legislator shall  
35   receive the compensation, subsistence allowances, mileage and other ex-  
36   penses authorized for legislators under subsections (a), (b), (c) and (d) of  
37   this section.

38   (f) “Board” as used in this section means any three or more public  
39   officers or other persons who are given by law a joint authority.

40   (g) *The compensation provided by subsection (a) shall be reduced by*  
41   *5.0% for each payroll period which is chargeable to the fiscal year ending*  
42   *on June 30, 2011, in accordance with section 1, and amendments thereto.*

43   Sec. 17. On June 13, 2010, K.S.A. 2009 Supp. 75-7427 is hereby

1 amended to read as follows: 75-7427. (a) As used in this section:

2 (1) "Attorney general" means the attorney general, employees of the  
3 attorney general or authorized representatives of the attorney general.

4 (2) "Benefit" means the receipt of money, goods, items, facilities,  
5 accommodations or anything of pecuniary value.

6 (3) "Claim" means an electronic, electronic impulse, facsimile, mag-  
7 netic, oral, telephonic or written communication that is utilized to identify  
8 any goods, service, item, facility or accommodation as reimbursable to  
9 the state medicaid program, or its fiscal agents, the state mediKan pro-  
10 gram or the state children's health insurance program or which states  
11 income or expense.

12 (4) "Client" means past or present beneficiaries or recipients of the  
13 state medicaid program, the state mediKan program or the state chil-  
14 dren's health insurance program.

15 (5) "Contractor" means any contractor, supplier, vendor or other per-  
16 son who, through a contract or other arrangement, has received, is to  
17 receive or is receiving public funds or in-kind contributions from the  
18 contracting agency as part of the state medicaid program, the state  
19 mediKan program or the state children's health insurance program, and  
20 shall include any sub-contractor.

21 (6) "Contractor files" means those records of contractors which relate  
22 to the state medicaid program, the state mediKan program or the state  
23 children's health insurance program.

24 (7) "Fiscal agent" means any corporation, firm, individual, organiza-  
25 tion, partnership, professional association or other legal entity which,  
26 through a contractual relationship with the state of Kansas receives, proc-  
27 esses and pays claims under the state medicaid program, the state  
28 mediKan program or the state children's health insurance program.

29 (8) "Health care provider" means a health care provider as defined  
30 under K.S.A. 65-4921, and amendments thereto, who has applied to par-  
31 ticipate in, who currently participates in, or who has previously partici-  
32 pated in the state medicaid program, the state mediKan program or the  
33 state children's health insurance program.

34 (9) "Kansas health policy authority" or "authority" means the Kansas  
35 health policy authority established under K.S.A. 2009 Supp. 75-7401, and  
36 amendments thereto, or its successor agency.

37 (10) "Managed care program" means a program which provides co-  
38 ordination, direction and provision of health services to an identified  
39 group of individuals by providers, agencies or organizations.

40 (11) "Medicaid program" means the Kansas program of medical as-  
41 sistance for which federal or state moneys, or any combination thereof,  
42 are expended, or any successor federal or state, or both, health insurance  
43 program or waiver granted thereunder.

1 (12) "Person" means any agency, association, corporation, firm, lim-  
2 ited liability company, limited liability partnership, natural person, organ-  
3 ization, partnership or other legal entity, the agents, employees, inde-  
4 pendent contractors, and subcontractors, thereof, and the legal successors  
5 thereto.

6 (13) "Provider" means a person who has applied to participate in,  
7 who currently participates in, who has previously participated in, who  
8 attempts or has attempted to participate in the state medicaid program,  
9 the state mediKan program or the state children's health insurance pro-  
10 gram, by providing or claiming to have provided goods, services, items,  
11 facilities or accommodations.

12 (14) "Recipient" means an individual, either real or fictitious, in  
13 whose behalf any person claimed or received any payment or payments  
14 from the state medicaid program, or its fiscal agent, the state mediKan  
15 program or the state children's health insurance program, whether or not  
16 any such individual was eligible for benefits under the state medicaid  
17 program, the state mediKan program or the state children's health insur-  
18 ance program.

19 (15) "Records" means all written documents and electronic or mag-  
20 netic data, including, but not limited to, medical records, X-rays, profes-  
21 sional, financial or business records relating to the treatment or care of  
22 any recipient; goods, services, items, facilities or accommodations pro-  
23 vided to any such recipient; rates paid for such goods, services, items,  
24 facilities or accommodations; and goods, services, items, facilities or ac-  
25 commodated provided to nonmedicaid recipients to verify rates or  
26 amounts of goods, services, items, facilities or accommodations provided  
27 to medicaid recipients, as well as any records that the state medicaid  
28 program, or its fiscal agents, the state mediKan program or the state  
29 children's health insurance program require providers to maintain. "Re-  
30 cords" shall not include any report or record in any format which is made  
31 pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments  
32 thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925,  
33 and amendments thereto.

34 (16) "State children's health insurance program" means the state chil-  
35 dren's health insurance program as provided in K.S.A. 38-2001 et seq.,  
36 and amendments thereto.

37 (b) (1) There is hereby established within the Kansas health policy  
38 authority the office of inspector general. All budgeting, purchasing and  
39 related management functions of the office of inspector general shall be  
40 administered under the direction and supervision of the executive direc-  
41 tor of the Kansas health policy authority. The purpose of the office of  
42 inspector general is to establish a full-time program of audit, investigation  
43 and performance review to provide increased accountability, integrity and

1 oversight of the state medicaid program, the state mediKan program and  
2 the state children's health insurance program within the jurisdiction of  
3 the Kansas health policy authority and to assist in improving agency and  
4 program operations and in deterring and identifying fraud, waste, abuse  
5 and illegal acts. The office of inspector general shall be independent and  
6 free from political influence and in performing the duties of the office  
7 under this section shall conduct investigations, audits, evaluations, in-  
8 spections and other reviews in accordance with professional standards  
9 that relate to the fields of investigation and auditing in government.

10 (2) (A) The inspector general shall be appointed by the Kansas health  
11 policy authority with the advice and consent of the senate and subject to  
12 confirmation by the senate as provided in K.S.A. 75-4315b, and amend-  
13 ments thereto. Except as provided in K.S.A. 46-2601, and amendments  
14 thereto, no person appointed to the position of inspector general shall  
15 exercise any power, duty or function of the inspector general until con-  
16 firmed by the senate. The inspector general shall be selected without  
17 regard to political affiliation and on the basis of integrity and capacity for  
18 effectively carrying out the duties of the office of inspector general. The  
19 inspector general shall possess demonstrated knowledge, skills, abilities  
20 and experience in conducting audits or investigations and shall be familiar  
21 with the programs subject to oversight by the office of inspector general.

22 (B) No former or current executive or manager of any program or  
23 agency subject to oversight by the office of inspector general may be  
24 appointed inspector general within two years of that individual's period  
25 of service with such program or agency. The inspector general shall hold  
26 at time of appointment, or shall obtain within one year after appointment,  
27 certification as a certified inspector general from a national organization  
28 that provides training to inspectors general.

29 (C) The term of the person first appointed to the position of inspector  
30 general shall expire on January 15, 2009. Thereafter, a person appointed  
31 to the position of inspector general shall serve for a term which shall  
32 expire on January 15 of each year in which the whole senate is sworn in  
33 for a new term.

34 (D) The inspector general shall be in the classified service and shall  
35 receive such compensation as is determined by law, except that such  
36 compensation may be increased but not diminished during the term of  
37 office of the inspector general. The inspector general may be removed  
38 from office prior to the expiration of the inspector general's term of office  
39 in accordance with the Kansas civil service act. The inspector general shall  
40 exercise independent judgment in carrying out the duties of the office of  
41 inspector general under subsection (b). Appropriations for the office of  
42 inspector general shall be made to the Kansas health policy authority by  
43 separate line item appropriations for the office of inspector general. The

1 inspector general shall report to the Kansas health policy authority.

2 (E) The inspector general shall have general managerial control over  
3 the office of the inspector general and shall establish the organization  
4 structure of the office as the inspector general deems appropriate to carry  
5 out the responsibilities and functions of the office.

6 (F) *Notwithstanding any other provision of this section, the compen-*  
7 *sation paid to the inspector general shall be reduced by 5.0% for each*  
8 *payroll period which is chargeable to the fiscal year ending on June 30,*  
9 *2011, in accordance with section 1, and amendments thereto.*

10 (3) Within the limits of appropriations therefor, the inspector general  
11 may hire such employees in the unclassified service as are necessary to  
12 administer the office of the inspector general. Such employees shall serve  
13 at the pleasure of the inspector general. Subject to appropriations, the  
14 inspector general may obtain the services of certified public accountants,  
15 qualified management consultants, professional auditors, or other profes-  
16 sionals necessary to independently perform the functions of the office.

17 (c) (1) In accordance with the provisions of this section, the duties  
18 of the office of inspector general shall be to oversee, audit, investigate  
19 and make performance reviews of the state medicaid program, the state  
20 mediKan program and the state children's health insurance program,  
21 which programs are within the jurisdiction of the Kansas health policy  
22 authority.

23 (2) In order to carry out the duties of the office, the inspector general  
24 shall conduct independent and ongoing evaluation of the Kansas health  
25 policy authority and of such programs administered by the Kansas health  
26 policy authority, which oversight includes, but is not limited to, the  
27 following:

28 (A) Investigation of fraud, waste, abuse and illegal acts by the Kansas  
29 health policy authority and its agents, employees, vendors, contractors,  
30 consumers, clients and health care providers or other providers.

31 (B) Audits of the Kansas health policy authority, its employees, con-  
32 tractors, vendors and health care providers related to ensuring that ap-  
33 propriate payments are made for services rendered and to the recovery  
34 of overpayments.

35 (C) Investigations of fraud, waste, abuse or illegal acts committed by  
36 clients of the Kansas health policy authority or by consumers of services  
37 administered by the Kansas health policy authority.

38 (D) Monitoring adherence to the terms of the contract between the  
39 Kansas health policy authority and an organization with which the au-  
40 thority has entered into a contract to make claims payments.

41 (3) Upon finding credible evidence of fraud, waste, abuse or illegal  
42 acts, the inspector general shall report its findings to the Kansas health  
43 policy authority and refer the findings to the attorney general.

1 (d) The inspector general shall have access to all pertinent informa-  
2 tion, confidential or otherwise, and to all personnel and facilities of the  
3 Kansas health policy authority, their employees, vendors, contractors and  
4 health care providers and any federal, state or local governmental agency  
5 that are necessary to perform the duties of the office as directly related  
6 to such programs administered by the authority. Access to contractor or  
7 health care provider files shall be limited to those files necessary to verify  
8 the accuracy of the contractor's or health care provider's invoices or their  
9 compliance with the contract provisions or program requirements. No  
10 health care provider shall be compelled under the provisions of this sec-  
11 tion to provide individual medical records of patients who are not clients  
12 of the state medicaid program, the state mediKan program or the state  
13 children's health insurance program. State and local governmental agen-  
14 cies are authorized and directed to provide to the inspector general re-  
15 quested information, assistance or cooperation.

16 (e) Except as otherwise provided in this section, the inspector general  
17 and all employees and former employees of the office of inspector general  
18 shall be subject to the same duty of confidentiality imposed by law on  
19 any such person or agency with regard to any such information, and shall  
20 be subject to any civil or criminal penalties imposed by law for violations  
21 of such duty of confidentiality. The duty of confidentiality imposed on  
22 the inspector general and all employees and former employees of the  
23 office of inspector general shall be subject to the provisions of subsection  
24 (f), and the inspector general may furnish all such information to the  
25 attorney general, Kansas bureau of investigation or office of the United  
26 States attorney in Kansas pursuant to subsection (f). Upon receipt thereof,  
27 the attorney general, Kansas bureau of investigation or office of the  
28 United States attorney in Kansas and all assistants and all other employees  
29 and former employees of such offices shall be subject to the same duty  
30 of confidentiality with the exceptions that any such information may be  
31 disclosed in criminal or other proceedings which may be instituted and  
32 prosecuted by the attorney general or the United States attorney in Kan-  
33 sas, and any such information furnished to the attorney general, the Kan-  
34 sas bureau of investigation or the United States attorney in Kansas under  
35 subsection (f) may be entered into evidence in any such proceedings.

36 (f) All investigations conducted by the inspector general shall be con-  
37 ducted in a manner that ensures the preservation of evidence for use in  
38 criminal prosecutions or agency administrative actions. If the inspector  
39 general determines that a possible criminal act relating to fraud in the  
40 provision or administration of such programs administered by the Kansas  
41 health policy authority has been committed, the inspector general shall  
42 immediately notify the office of the Kansas attorney general. If the in-  
43 spector general determines that a possible criminal act has been com-

1 mitted within the jurisdiction of the office, the inspector general may  
2 request the special expertise of the Kansas bureau of investigation. The  
3 inspector general may present for prosecution the findings of any criminal  
4 investigation to the office of the attorney general or the office of the  
5 United States attorney in Kansas.

6 (g) To carry out the duties as described in this section, the inspector  
7 general and the inspector general's designees shall have the power to  
8 compel by subpoena the attendance and testimony of witnesses and the  
9 production of books, electronic records and papers as directly related to  
10 such programs administered by the Kansas health policy authority. Access  
11 to contractor files shall be limited to those files necessary to verify the  
12 accuracy of the contractor's invoices or its compliance with the contract  
13 provisions. No health care provider shall be compelled to provide indi-  
14 vidual medical records of patients who are not clients of the authority.

15 (h) The inspector general shall report all convictions, terminations  
16 and suspensions taken against vendors, contractors and health care pro-  
17 viders to the Kansas health policy authority and to any agency responsible  
18 for licensing or regulating those persons or entities. If the inspector gen-  
19 eral determines reasonable suspicion exists that an act relating to the  
20 violation of an agency licensure or regulatory standard has been commit-  
21 ted by a vendor, contractor or health care provider who is licensed or  
22 regulated by an agency, the inspector general shall immediately notify  
23 such agency of the possible violation.

24 (i) The inspector general shall make annual reports, findings and rec-  
25 ommendations regarding the office's investigations into reports of fraud,  
26 waste, abuse and illegal acts relating to any such programs administered  
27 by the Kansas health policy authority to the executive director of the  
28 Kansas health policy authority, the legislative post auditor, the committee  
29 on ways and means of the senate, the committee on appropriations of the  
30 house of representatives, the joint committee on health policy oversight  
31 and the governor. These reports shall include, but not be limited to, the  
32 following information:

- 33 (1) Aggregate provider billing and payment information;
  - 34 (2) the number of audits of such programs administered by the Kan-  
35 sas health policy authority and the dollar savings, if any, resulting from  
36 those audits;
  - 37 (3) health care provider sanctions, in the aggregate, including ter-  
38 minations and suspensions; and
  - 39 (4) a detailed summary of the investigations undertaken in the pre-  
40 vious fiscal year, which summaries shall comply with all laws and rules  
41 and regulations regarding maintaining confidentiality in such programs  
42 administered by the Kansas health policy authority.
- 43 (j) Based upon the inspector general's findings under subsection (c),

1 the inspector general may make such recommendations to the Kansas  
2 health policy authority or the legislature for changes in law, rules and  
3 regulations, policy or procedures as the inspector general deems appro-  
4 priate to carry out the provisions of law or to improve the efficiency of  
5 such programs administered by the Kansas health policy authority. The  
6 inspector general shall not be required to obtain permission or approval  
7 from any other official or authority prior to making any such  
8 recommendation.

9 (k) (1) The inspector general shall make provision to solicit and re-  
10 ceive reports of fraud, waste, abuse and illegal acts in such programs  
11 administered by the Kansas health policy authority from any person or  
12 persons who shall possess such information. The inspector general shall  
13 not disclose or make public the identity of any person or persons who  
14 provide such reports pursuant to this subsection unless such person or  
15 persons consent in writing to the disclosure of such person's identity.  
16 Disclosure of the identity of any person who makes a report pursuant to  
17 this subsection shall not be ordered as part of any administrative or ju-  
18 dicial proceeding. Any information received by the inspector general from  
19 any person concerning fraud, waste, abuse or illegal acts in such programs  
20 administered by the Kansas health policy authority shall be confidential  
21 and shall not be disclosed or made public, upon subpoena or otherwise,  
22 except such information may be disclosed if (A) release of the information  
23 would not result in the identification of the person who provided the  
24 information, (B) the person or persons who provided the information to  
25 be disclosed consent in writing prior to its disclosure, (C) the disclosure  
26 is necessary to protect the public health, or (D) the information to be  
27 disclosed is required in an administrative proceeding or court proceeding  
28 and appropriate provision has been made to allow disclosure of the in-  
29 formation without disclosing to the public the identity of the person or  
30 persons who reported such information to the inspector general.

31 (2) No person shall:

32 (A) Prohibit any agent, employee, contractor or subcontractor from  
33 reporting any information under subsection (k)(1); or

34 (B) require any such agent, employee, contractor or subcontractor to  
35 give notice to the person prior to making any such report.

36 (3) Subsection (k)(2) shall not be construed as:

37 (A) Prohibiting an employer from requiring that an employee inform  
38 the employer as to legislative or auditing agency requests for information  
39 or the substance of testimony made, or to be made, by the employee to  
40 legislators or the auditing agency, as the case may be, on behalf of the  
41 employer;

42 (B) permitting an employee to leave the employee's assigned work  
43 areas during normal work hours without following applicable rules and

1 regulations and policies pertaining to leaves, unless the employee is re-  
2 quested by a legislator or legislative committee to appear before a legis-  
3 lative committee or by an auditing agency to appear at a meeting with  
4 officials of the auditing agency;

5 (C) authorizing an employee to represent the employee's personal  
6 opinions as the opinions of the employer; or

7 (D) prohibiting disciplinary action of an employee who discloses in-  
8 formation which (A) the employee knows to be false or which the em-  
9 ployee discloses with reckless disregard for its truth or falsity, (B) the  
10 employee knows to be exempt from required disclosure under the open  
11 records act, or (C) is confidential or privileged under statute or court rule.

12 (4) Any agent, employee, contractor or subcontractor who alleges that  
13 disciplinary action has been taken against such agent, employee, contrac-  
14 tor or subcontractor in violation of this section may bring an action for  
15 any damages caused by such violation in district court within 90 days after  
16 the occurrence of the alleged violation.

17 (5) Any disciplinary action taken against an employee of a state agency  
18 or firm as such terms are defined under subsection (b) of K.S.A. 75-2973,  
19 and amendments thereto, for making a report under subsection (k)(1)  
20 shall be governed by the provisions of K.S.A. 75-2973, and amendments  
21 thereto.

22 (l) The scope, timing and completion of any audit or investigation  
23 conducted by the inspector general shall be within the discretion of the  
24 inspector general. Any audit conducted by the inspector general's office  
25 shall adhere and comply with all provisions of generally accepted govern-  
26 mental auditing standards promulgated by the United States government  
27 accountability office.

28 (m) Nothing in this section shall limit investigations by any state de-  
29 partment or agency that may otherwise be required by law or that may  
30 be necessary in carrying out the duties and functions of such agency.

31 (n) No contractor who has been convicted of fraud, waste, abuse or  
32 illegal acts or whose actions have caused the state of Kansas to pay fines  
33 to or reimburse the federal government more than \$1,000,000 in the  
34 medicaid program shall be eligible for any state medicaid contracts sub-  
35 sequent to such conviction unless the Kansas health policy authority finds  
36 that the contractor is the sole source for such contracts, is the least ex-  
37 pensive source for the contract, has reimbursed the state of Kansas for  
38 all losses caused by the contractor, or the removal of the contractor would  
39 create a substantial loss of access for medicaid beneficiaries, in which case  
40 the authority after a specific finding to this effect may waive the prohi-  
41 bition of this subsection. Nothing in this section shall be construed to  
42 conflict with federal law, or to require or permit the use of federal funds  
43 where prohibited.

- 1       (o) The Kansas health policy authority, in accordance with K.S.A. 75-  
2 4319, and amendments thereto, may recess for a closed, executive meet-  
3 ing under the open meetings act, K.S.A. 75-4317 through 75-4320a, and  
4 amendments thereto, to discuss with the inspector general any informa-  
5 tion, records or other matters that are involved in any investigation or  
6 audit under this section. All information and records of the inspector  
7 general that are obtained or received under any investigation or audit  
8 under this section shall be confidential, except as required or authorized  
9 pursuant to this section.
- 10       Sec. 18. On June 13, 2010, K.S.A. 46-1102, 75-3120f, 75-3212 and  
11 75-3223 and K.S.A. 2009 Supp. 40-102, 46-137a, 46-137b, 75-3101, 75-  
12 3103, 75-3104, 75-3108, 75-3110, 75-3120g, 75-3120h, 75-3120k and 75-  
13 7427 are hereby repealed.
- 14       Sec. 19. This act shall take effect and be in force from and after its  
15 publication in the Kansas register.