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MEMORANDUM

To: Senate Committee on Ways and Means

From: Office of Revisor of Statutes

Date: February 6, 2024

Subject: **SCR 1615 - A Concurrent Resolution rejecting the rates of compensation for members of the Legislature set by the Legislative Compensation Commission.**

Senate Concurrent Resolution No. 1615 rejects the rates of compensation and salary for members of the Legislature set by the Legislative Compensation Commission in the Commission's order dated October 19, 2023, and published in the Journal of the Senate and the Journal of the House of Representatives on January 8, 2024, and provides that the rates of compensation and salary for members of the Legislature prevailing for the 2024 Legislative session as provided by law shall remain in effect.

Section 1 of 2023 Senate Bill No. 229, K.S.A. 46-3102, established the Legislative Compensation Commission to consist of nine members, including one appointed by each of the Speaker of the House of Representatives, President of the Senate, Speaker Pro Tempore of the House of Representatives, Vice President of the Senate, Senate and House Majority Leaders, Senate and House Minority Leaders, and the Governor. The members appointed by the Speaker and the President must be former members of the Legislature. No Commission member may be a current member of the Legislature, current employee of the Legislature, or registered lobbyist. The member appointed by the Speaker serves as the first chairperson of the Commission, and the member appointed by the President serves as the first vice chairperson.

The Commission is directed to make a comprehensive study of the compensation, salary, and retirement benefits of the members of the Legislature, set such rates of compensation and salary, and make recommendations related to retirement benefits. On or before December 1, 2023, the Commission shall establish and submit to the Legislature the rates of compensation and salary for legislators rendering services during the four-year period commencing with the term of office that coincides with the first day of the 2025 legislative session. Within 30 days of the commencement of the 2024 legislative session, the Legislature may allow those rates to take effect by taking no action or reject those rates by adopting a concurrent resolution. In such a concurrent resolution, the Legislature may include a requirement that the Legislative Compensation Commission meet within 14 days of the adoption of such concurrent resolution to set and submit another rate of compensation and salary prior to 30 days after the adoption of such concurrent resolution. If the Legislature rejects the second rate of compensation and salary

by adopting a concurrent resolution, the rate prevailing during the previous session shall remain in effect unless otherwise set by the Legislature according to law.

SCR 1615 does not include a requirement that the Legislative Compensation Commission meet within 14 days of the adoption of such concurrent resolution to set and submit another rate of compensation.

With the commencement of the 2024 Legislative session being January 8, 2024, the rates of compensation and salary set by the Commission will take effect unless the Legislature adopts a concurrent resolution to reject such rates on or before February 7, 2024.

46-3102. Legislative compensation commission; membership; powers, duties and functions; authority to set legislator rate of compensation; rejection by legislature. (a) There is created the legislative compensation commission consisting of nine members as follows:

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

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

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

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

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

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

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

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

(9) one member appointed by the governor.

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

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

(d) The member appointed by the speaker shall serve as the first chairperson of the commission. The member appointed by the president shall serve as the first vice chairperson of the commission. Thereafter, the next chairperson to be appointed prior to August 1, 2026, shall be appointed by the president and the next vice chairperson to be appointed prior to September 1, 2026, shall be appointed by the speaker. The authority to appoint the chairperson and vice chairperson for future commissions shall alternate between the speaker and the president in similar manner as for the original appointments. Vacancies shall be filled in the same manner as for the original appointments.

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

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

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

(h) The legislative compensation commission shall:

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

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

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

(i) In 2023, the legislative compensation commission shall establish the rate of compensation and salary for services rendered by members of the legislature during the four-year period that commences on the first day of the term of office that commences on the first day of the legislative session in January of 2025. Such rate of compensation and salary established by the commission shall be submitted to the legislature on or before December 1, 2023. Such rate of compensation and salary established by the commission shall be the rate of compensation and salary for members of the legislature unless, prior to 30 days after the commencement of the legislative session next occurring after submission of such established rate of compensation and salary to the legislature, the legislature rejects such rate of compensation and salary by the adoption of a concurrent resolution. In the concurrent resolution that rejects such rate of compensation and salary, the legislature may include a requirement that the legislative compensation commission meet within 14 days after the adoption of the concurrent resolution by the legislature to set another rate of compensation and salary to be submitted to the legislature prior to 30 days after such adoption of the concurrent resolution. The legislature may reject such rate of compensation and salary by the adoption of a concurrent resolution prior to adjournment sine die of that legislative session. In the event of rejection by the legislature of the second rate of compensation and salary set by the commission, the rate of compensation and salary prevailing at the time of the previous session shall remain in effect.

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

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

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

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

History: L. 2023, ch. 69, § 1; May 4.