

3
4 **SENATE BILL No. 49**

5
6 By Senator Bunten

7
8 1-22

9
10 AN ACT establishing a state employee fiscal bonus program; authorizing
11 certain bonus payments for officers and employees of certain state
12 agencies; prescribing guidelines and powers, duties and functions for
13 the state finance council.
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15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. (a) There is hereby established a state employee fiscal bo-
17 nus program for the purpose of encouraging frugality in managing state
18 government operations. Except as otherwise provided in this section, each
19 state agency which has the agency's operating expenditures financed from
20 a single special revenue fund in the state treasury, which derives ~~sub-~~
21 ~~stantially~~ all revenues from regulatory fees received by the state agency
22 and which has expenditures and encumbrances of moneys in such fund
23 for the fiscal year ending June 30, 2004, or any fiscal year thereafter that
24 are less than the amount authorized for expenditure for such fiscal year
25 by appropriation act, including any supplemental authorization for such
26 fiscal year by appropriation act, may make bonus amount payments to
27 eligible officers and employees of such state agency in accordance with
28 this section. Bonus amount payments shall not be payable under this
29 section for any fiscal year during which there is an increase in any fee
30 fixed, charged and collected by the state agency.

31 (b) The bonus amount for any fiscal year for which bonus payments
32 are payable under this section shall be equal to not more than 10% of the
33 amount of savings by the state agency for the fiscal year. The amount of
34 savings by the state agency shall be the amount by which the total amount
35 authorized for expenditure from such fund for the fiscal year by appro-
36 priation act, including any supplemental appropriation act, exceeds the
37 total amount of actual expenditures and encumbrances of moneys in such
38 fund for the fiscal year and shall be based on the management and op-
39 eration of the activities of the state agency by the officers and employees,
40 including the careful management of the funds and other assets of the
41 state agency and excluding any savings occasioned by chance or circum-
42 stances outside the control of the state agency. The bonus amount shall
43 be divided among all eligible officers and employees of the state agency

1 in accordance with this section and shall be subject to approval by the
2 state finance council acting on this matter which is hereby characterized
3 as a matter of legislative delegation and subject to the guidelines pre-
4 scribed in this section and in subsection (c) of K.S.A. 75-3711c and
5 amendments thereto.

6 (c) Each person who was an officer and employee who was employed
7 by the state agency for the entire fiscal year for which a bonus amount
8 has been approved under this section, shall be eligible to receive a pay-
9 ment from the bonus amount for such fiscal year. The bonus amount
10 payment for such person shall be paid from the special revenue fund of
11 the state agency and shall be equal to the lesser of (1) the amount equal
12 to that portion of the bonus amount that bears the same relationship to
13 the total bonus amount as the annual rate of compensation of such person
14 in effect on June 30 of such fiscal year, exclusive of all other compensa-
15 tion, bears to the total of all of the annual rates of compensation of all
16 eligible officers and employees in effect on such date, exclusive of all
17 other compensation, or (2) the amount equal to 10% of the annual salary
18 of such person at the rate in effect on June 30 of such fiscal year.

19 (d) All bonus amount payments to persons pursuant to this section
20 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and
21 amendments thereto, for all purposes under the Kansas public employees
22 retirement system and shall be subject to applicable deductions for em-
23 ployee contributions notwithstanding the fact that the payments are made
24 no more often than annually. Bonus amount payments shall be in addition
25 to any other compensation payable by law, or increase therein, to which
26 an officer or employee may be entitled or for which such officer or em-
27 ployee may become eligible.

28 Sec. 2. This act shall take effect and be in force from and after its
29 publication in the statute book.

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