

PROPOSED AMENDMENT
SENATE COMMERCE COMMITTEE

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ASST REVISOR OF STATUTES
2-27-2013

Session of 2013

SENATE BILL No. 187

By Committee on Commerce

2-13

AN ACT concerning workers; relating to the workers compensation and employment security boards nominating committee; administrative law judge appointments; workers compensation appeals board; amending K.S.A. 2012 Supp. 44-551, 44-555c and 44-709 and repealing the existing sections.

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

Section 1. K.S.A. 2012 Supp. 44-551 is hereby amended to read as follows: 44-551. (a) The duties of the assistant directors of workers compensation may include but not be limited to acting in the capacity of an administrative law judge.

(b) Each administrative law judge shall be an attorney regularly admitted to practice law in Kansas. Such attorney shall have at least five years of experience as an attorney, with at least one year of experience practicing law in the area of workers compensation.

(c) Except as provided in subsection ~~(g)~~ (k), the annual salary of each administrative law judge shall be an amount equal to ~~75%~~ 85% of the annual salary paid by the state to a district judge, other than a district judge designated as a chief judge. Administrative law judges shall devote full time to the duties of such office and shall not engage in the private practice of law during their term of office. No administrative law judge may receive additional compensation for official services performed by the administrative law judge. Each administrative law judge shall be reimbursed for expenses incurred in the performance of such official duties under the same circumstances and to the same extent as district judges are reimbursed for such expenses.

(d) Applications for administrative law judge positions shall be submitted to the director of workers compensation. The director shall determine if an applicant meets the qualifications for an administrative law judge as prescribed in subsection (b). Qualified applicants for a position of administrative law judge shall be submitted by the director to the workers compensation ~~administrative law judge nominating and review committee and employment security boards nominating committee~~ for consideration.

(e) ~~There is hereby established the workers compensation administrative law judge nominating and review committee which shall be composed of two members appointed as follows: The Kansas AFL-CIO~~

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~~and the Kansas chamber of commerce and industry shall each select one representative to serve on the workers compensation administrative law judge nominating and review committee and shall each give written notice of such selection to the secretary who shall appoint such selected persons to the committee. In the event of a vacancy occurring for any reason on the workers compensation administrative law judge nominating and review committee, the vacating member shall be replaced by the organization which originally selected such member with written notice provided to the secretary within 30 days of such vacancy.~~

~~(f) (1) Upon being notified of any vacancy in the position of administrative law judge, the administrative law judge nominating and review committee shall consider all qualified applicants submitted by the director for the vacant position of administrative law judge and nominate a person qualified therefor. The administrative law judge nominating and review committee shall be required to reach unanimous agreement on any nomination to the position of administrative law judge. With respect to each person nominated, the secretary either shall accept and appoint the person nominated by the administrative law judge nominating and review committee to the position of administrative law judge for which the nomination was made or shall reject the nomination and request the administrative law judge nominating and review committee to nominate another person for that position. Upon receipt of any such request for the nomination of another person, the administrative law judge nominating and review committee shall nominate another person for that position in the same manner. There is hereby established the workers compensation and employment security boards nominating committee which shall be composed of ~~seven~~eight members who are appointed by the governor. Each of the following shall select one member to serve on the nominating committee by giving written notice of the selection to the governor who shall appoint such representatives to the committee:~~

- ~~(1) The Kansas secretary of labor;~~
- ~~(2) the Kansas chamber of commerce;~~
- ~~(3) the national federation of independent business;~~
- ~~(4) the Kansas AFL-CIO;~~
- ~~(5) the Kansas state council of the society for human resource management (KS SHRM);~~
- ~~(6) the Kansas self-insurers association; **and**~~
- ~~(7) the secretary of labor, who shall select a nominee from either an employee organization as defined in K.S.A. 75-4322, and amendments thereto, or a professional employees' organization as defined in K.S.A. 72-5413, and amendments thereto; **and**~~
- (8) the secretary of labor, who shall select a nominee who is an employee of a Kansas business and is not a member of a union or any organization represented on the nominating committee.**

~~In the event the governor refuses to appoint a member selected by one of the organizations in this subsection, the organization may replace that~~