

## M I N U T E S

## LEGISLATIVE BUDGET COMMITTEE

September 30, 1976

The Legislative Budget Committee convened at 10:00 a.m. on September 30, 1976, in Room 510 of the State House. All members were present except Representative Lady. Staff members in attendance all or part of the time were Richard Ryan, Arden Ensley, Phill Jones, James Wilson, and Ed Ahrens.

Proposal No. 51 - Judicial Compensation

Conferees were Chief Justice Harold R. Fatzer of the Kansas Supreme Court; Judge Michael Barbara, President of the Kansas District Court Judges Association; Judge Michael Corrigan, President of the Kansas Special Court Judges Association; James R. James, the state Judicial Administrator; Jack Dalton and Ken Klein, representing the Kansas Bar Association; and Lee Hornbaker, representing the Kansas Trial Lawyers' Association. Written statements, which are in the Committee notebook, were presented by Judge Fatzer, Judge Barbara, and Mr. Hornbaker..

Most of the testimony centered around the need to improve further judicial compensation in order to attract qualified and dedicated persons to the bench. Judge Fatzer presented data indicating Kansas' relatively low rank among the states in compensation of both appellate and trial court judges. Aside from supporting a generally higher level of compensation, Judge Fatzer made the following specific recommendations:

1. That increases in salaries provided by the state take effect in July following enactment rather than in the following January.
2. That all associate district judges be paid 95 percent of the district court judges' salary and that such salary be paid by the state, i.e., eliminate county supplements.
3. That district magistrate judges' salaries be established at the state level, be made more uniform and adequate, and be paid by the state.
4. That salaries of district court judges be set high enough so that local supplements can be eliminated.

Judge Fatzer also noted that several organizations or study groups have advocated the creation of a judicial compensation board to review and make recommendations concerning salaries of judges.

Objectives listed by Judge Barbara were:

1. That all Kansas judges be paid by the state without any local supplements.
2. That pay of judges with similar duties and jurisdiction be uniform and that administrative judges be paid additional compensation.
3. That a minimum standard should reflect salaries at least equal to the national average for comparable positions, consistent with Kansas' ranking in per capita income.
4. That there should be periodic review of compensation and benefits to allow for adequate increases.

In connection with the latter point, Judge Barbara recommended creation of an independent committee or agency which would have the responsibility to determine and propose compensation. Such compensation would be submitted as part of the Judicial Department's budget and would be subject to legislative action in the form of budget review. Thus, the legislature no longer would fix specific salaries of judges by law.

Judge Barbara said that his recommendations also should apply to local court administrators and to court reporters because discussion of judicial compensation necessitates inclusion of other directly related personnel.

Judge Corrigan said that he would not repeat points or suggestions made by Judge Fatzer and Judge Barbara. Instead, problems of district magistrate judges were stressed by Judge Corrigan. He stated that such judges feel cut loose and left out. Many of them have high case loads, work hard, and see more people in line of duty than other types of judges. Magistrate judges must meet standards established by the Kansas Supreme Court, but their salaries are inadequate. A uniform salary schedule applicable to all such judges, however, might not be equitable, Judge Corrigan said.

Mr. Klein briefly stated the position of the Kansas Bar Association, which is in support of adequate judicial compensation. Mr. Dalton then reviewed various steps that a person must go through to become a judge -- high level of education, experience, qualification, and investigation of background, morals, etc. He also discussed the emotional aspects of a judicial position. In summary, Mr. Dalton emphasized the need for adequate compensation in order to assure a qualified, dedicated, and competent judiciary.

Mr. Hornbaker also stressed the necessity for adequate compensation in order to attract high caliber persons to the bench. An individual who the people may want to serve as a judge might have to take a cut in pay if he or she left private practice, which is not fair. He recommended the following increases in salary:

Supreme Court	
Chief Justice	From \$35,000 to \$38,000
Other Judges	From 34,000 to 36,000
Court of Appeals	From 33,000 to 34,000
District Judge	From 30,500 to 32,000
Assoc. District Judge	From 22,000 to 24,000 (state pay)

In comparing the proposed salaries with top rank administrative salaries under the state civil service system, Mr. Hornbaker said the proposals are not out of line and that judges from the top rank of lawyers should receive pay comparable to top rank administrative employees.

The chairman asked whether anyone else wanted to make a statement to the Committee. A representative of the League of Women Voters said that her organization supports both state funding and adequate funding of judicial unification.

#### State Telephone Service

Lawrence Kunkel, director of telecommunications in the Department of Administration, distributed and discussed a report on the costs of the KANS-A-N telephone system. His report said that, "Over the past five years, the costs of all telecommunications used by the state have increased by almost 10 percent per year. The current report indicates post KANS-A-N costs to be slightly lower than before KANS-A-N. This downward trend should continue since. . . it appears possible to cut these costs by another \$25,000 to \$30,000 per month."

#### Nest Meeting

The next meeting of the Committee is scheduled on November 4, beginning at 10:00 a.m.

Prepared by Richard Ryan

Approved by Committee on:

11-4-76

Date