

M I N U T E S

CITIZENS' COMMITTEE ON JUDICIAL COMPENSATION

November 9, 1977
Room 528 - State House

Members Present

Whitley Austin, Chairman
Carol Chalmers
Jack Goodman
Dorothy Goodpasture
Rick Harman
Joe Jagger
Dave Knudson
John Mendez
Tom Skinner

Staff Present

Arden Ensley, Revisor of Statutes Office
Richard Ryan, Kansas Legislative Research Department
Paul Purcell, Kansas Legislative Research Department

Chairman Austin called the meeting to order at 10:00 a.m. and directed the Committee's attention to the minutes of the October 10, 1977, meeting which were approved as written. The Chairman then directed the Committee's attention to Proposal No. 84.

Proposal No. 84 - A Study of Judicial
Compensation in Kansas

Mr. Jim James, Judicial Administrator, briefly described the retirement program for Kansas judges. He said that it applied to Supreme Court Justices, Court of Appeals Judges, District Judges and Associate District Judges but not to District Magistrate Judges. The system was adopted in 1950 and is separate from KPERS although it is administered by KPERS. The retirement system was adopted to attract mid-career lawyers to the Judiciary and because of this the benefits are substantially greater than are benefits for other public employees. The judges contribute 6 percent of their salary and the state matches this with a figure set by an actuary board so that the retirement fund will be actuarially sound. The state's contribution right now is 19 percent of each judge's gross salary. After serving as a judge for 10 years, a judge gets a vested interest in retirement benefits. There is no partial vesting before the end of the tenth year. If a judge leaves before completion of 10 years on the bench, the judge receives a return of his contribution. If a judge dies, the judge's spouse gets the return of contribution unless at the time of death the judge was eligible to retire. A judge builds up 3 1/3 percent of the judge's annual salary up to a maximum of 65 percent of the final average salary based on a five year average. There is also a life insurance program which would provide about 65 percent of the judge's annual salary in a lump sum payment to the judge's beneficiaries. This benefit is available throughout the judge's period of service.

Responding to a question about how the Kansas system compares in general with the systems of other states, Mr. James said that Missouri recently did away with the requirement that the judge contribute to the program and that there are a few other states like this but that most still require a contribution. He said it was hard to make any comparisons.

Dorothy Goodpasture noted that if salaries of judges are raised their pensions will be raised also.

Mr. James said that judges are also covered by social security and the contributions are currently deducted from a judge's salary just as contributions are deducted from others. The social security benefits are not deducted from a judge's retirement benefits. He noted that District Magistrate Judges are covered by KPERs.

Richard Ryan asked if, with the young Associate District Judges, the 65 percent figure presented a problem somewhere in the future. Mr. James said no, that just the opposite would be the case because they would pay in 6 percent for a longer period of time. Mr. Ryan asked what if a judge works 30 years and thereby reaches the limit earlier than a judge coming onto the bench later in life and then the young judge feels that no contribution is any longer being made to retirement. He noted this might be a problem.

With regard to a Judicial Compensation Commission, Dorothy Goodpasture said that it would be better to recommend that such a Commission meet every two years rather than every year because the fact that it is meeting every year is itself pressure to annually recommend salary increases. She said that if the Citizens' Committee recommends a healthy enough increase and the Legislature adopts it, then you have played catch up and a new commission should not have to meet but every two years. Mr. James said he saw no objection to this and that playing catch up had been the pattern for a number of years.

Dave Knudson asked if the young judges are required to continue to contribute after they have reached their 65 percent maximum. Mr. James said that they were and that they could not retire until age 62 and that they must retire at age 70.

Mr. James noted that the Unified Judicial Department uses retired judges frequently to help take off the steam. They get actual expenses but no compensation. He said a lot of retired judges just continue on with judicial work in this way.

Carol Chalmers asked Mr. James if it would be difficult to determine which judges have a great deal of traveling to do. He said it would not be a major problem because it would be just a matter of checking travel vouchers.

The Committee then reviewed a draft of the Committee Report, and by majority vote made the recommendations appearing in the Committee Report. Direction was given to staff as to the manner in which the Committee Report was to be approved.

There being no further business, the Chairman adjourned the meeting at 12:50 p.m.

Prepared by Paul J. Purcell

Approved by Committee on:

December 14, 1977
(date)

PJP/dmb