

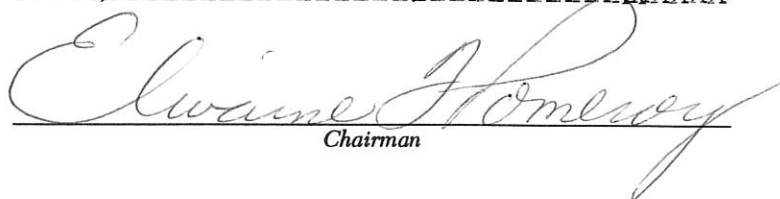
MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 11:00 a. m./~~p. m.~~ on March 28, 19 78.

All members were present except: Senators Allegrucci, Gaar and Hein

The next meeting of the Committee will be held at 11:00 a. m./~~p. m.~~, on April 4, 19 78.

~~The minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxx 19 xxx were considered, corrected and approved.~~


Chairman

The conferees appearing before the Committee were:

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Cynthia Burch - Legislative Research Department

Jerry Stephens explained the handouts that had been distributed showing the salary supplements for district judges, the salaries of public defenders, and the prosecutor training and assistant fund reports.

Senate Substitute for Substitute House Bill 2619 - Procedure for contest of elections. Following committee discussion, Senator Steineger moved to amend the bill in line 286 by substituting "were" for "where"; Senator Mulich seconded the motion, and the motion carried. Senator Everett moved to amend the bill in the section dealing with vacancy of an office, to provide that the court could order an election in 30 days of the final order declaring the office vacant; Senator Simpson seconded the motion. Senator Steineger made a substitute motion that the court may order a new election; Senator Burke seconded the motion, and the substitute motion carried. Senator Steineger moved to amend the bill by adding the words "be deemed appropriate"; Senator Simpson seconded the motion, and the motion carried. Senator Steineger moved to amend the bill to give the court authority to grant proper relief; Senator Burke seconded the motion, and the motion carried. Senator Steineger moved to add the words "shall be deemed vacant" in line 279; Senator Burke seconded the motion, and the motion carried. Senator Steineger moved to strike all after the semi-colon in line 51 and by striking all of lines 52 through 57; Senator Simpson seconded the motion, and the motion carried. Senator Steineger moved to insert "a hearing" in line 166; Senator Simpson seconded the motion, and the motion carried. Senator Everett moved to strike "ordinary" in line 170; Senator Steineger seconded the motion, and the motion carried. Senator Steineger moved to insert "shall be made within five days after service"

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

Senate Sub. for Sub HB 2619 continued -

in line 195; Senator Mulich seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended; Senator Berman seconded the motion, and the motion carried.

House Bill 3234 - Counsel for indigent defendants, partial indigency, public defenders, budget approval. Following committee discussion, Senator Gaines moved to strike the house amendments to the bill. Following further discussion, he withdrew the motion. Further committee discussion followed, including comments that this bill would lead to the setting of fees by judges. Senator Berman moved to report the bill unfavorably; Senator Gaines seconded the motion, and the motion carried.

House Bill 2633 - Compensation of certain district attorneys. Senator Burke moved to report the bill favorably; Senator Gaines seconded the motion. Following committee discussion, Senator Steineger made a substitute motion to add "at least equal to the salary of the district judge"; Senator Gaines seconded the motion. The substitute motion failed. Following further committee discussion, during which it was pointed out that the effect of the bill would be to eliminate the possibility of county supplement, the original motion to report the bill favorably carried.

The meeting adjourned.

These minutes were read and approved
by the committee on 4-24-78.

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - State House

Phone 296-3181

Date March 27, 1978

TO: SENATOR ELWAINE F. POMEROY Office No. 141-N

RE: THE SALARY OF PUBLIC DEFENDERS

The following information is in response to the Committee's query concerning the current salaries of public defenders, while discussing House Bill No. 3234.

Third Judicial District	
Johnson	\$18,000
McCullough	18,252
Robinson	21,000
Eighth Judicial District	
Opat	\$23,520
Unruh	20,004
Twenty-eighth Judicial District	
Mize	\$23,496

This data is current as of February 1978 and was provided by Jim James of Judicial Administration.

Cynthia Burch
Research Assistant

CB/bd

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - State House

Phone 296-3181

Date March 22, 1973

TO: SENATOR ELWAIN F. POMEROY Office No. 141-N
RE: PROSECUTOR TRAINING AND ASSISTANCE FUND REPORTS (AS REQUIRED
BY 1977 H.B. 2282).

Here is the summary of information supplied on the prosecutor report forms. Slightly less than one-half of the county and district attorneys have responded.

1. Reports received: 50, including one preliminary report supplied by Sedgwick County, with a later completed report.
2. Counties failing to file reports: 55

Anderson	Greeley	Ottawa
Barber	Hamilton	Pawnee
Bourbon	Harvey	Philipps
Chase	Jackson	Pratt
Chautauqua	Johnson	Rawlins
Cheyenne	Kingman	Rice
Clark	Kiowa	Riley
Clay	Labette	Rooks
Cloud	Lane	Russell
Comanche	Lincoln	Scott
Crawford	Marion	Smith
Decatur	Marshall	Stevens
Dickinson	McPherson	Wallace
Edwards	Meade	Washington
Ford	Montgomery	Wichita
Franklin	Morton	Wilson
Gove	Nemaha	Wyandotte
Graham	Neosho	
Gray	Osborne	

Note: One report received, with an illegible signature and no other identifying mark, contained none of the requested information.

3. Income generated: The range was from a low of \$0 (Stanton County) to a high of \$4,196.69 (Sedgwick County). Butler County did not report the amount taken in as fees.

4. Expenditures: A similar pattern emerged, with a low of \$0 (26 counties) to a high of \$4,196.69 (Sedgwick County).

5. Object of expenditure:

Assignment to Kansas County and District Attorneys Association:	
a. Unspecified amount.....	7
b. 100 percent.....	8
c. 80 percent.....	1
KCDAA Evidence Workshop, Great Bend, Kansas, August 18 and 19, 1977.....	1
KCDDA, Wichita, Kansas, November 14 and 15, 1977.....	7
KCDDA, Topeka, Kansas, January 25 and 26, 1978.....	2
National District Attorneys Association, Midwinter Convention, San Francisco, California.....	1
NDA Executive Prosecution Seminar.....	1
National Institute on Homicide (California District Attorneys Association).....	1
American Bar Association Narcotics Prosecution Seminar.....	1
Major Fraud Seminar, San Diego, California.....	1
Washburn University, tuition and books for legal secretary course.....	1
Publications.....	3

Note: 30 reports either listed no expenditures for 1977, or failed to provide the appropriate information.

6. Appended to this summary is a tabular listing of the 50 counties, with their income, expenditure, and 1977 balance figures.

Jerry E. Stephens
Research Assistant

Cynthia Burch
Research Assistant

JES/dmb

APPENDIX

	County	Income	Expenses	Balance
1	Allen	\$ 201.50	\$ 0	\$ 201.50
2.	Atchison	410.50	0	410.50
3.	Barton	652.50	?	?
4.	Brown	609.00	0	609.00
5.	Butler	?	?	?
6.	Cherokee	339.00	339.00	0
7.	Coffey	486.50	0	486.50
8.	Cowley	597.50	0	597.50
9.	Doniphan	487.50	0	487.50
10.	Douglas	1,075.50	860.40	215.10
11.	Elk	181.50	181.50	0
12.	Ellis	849.50	590.00	259.50
13.	Ellsworth	1,049.50	0	1,049.50
14.	Finney	779.50	0	779.50
15.	Geary	720.00	720.00	0
16.	Grant	146.50	0	0
17.	Greenwood	539.00	?	?
18.	Harper	229.00	184.46	44.54
19.	Haskell	99.00	0	99.00
20.	Hodgeman	75.00	10.95	64.05
21.	Jefferson	595.00	545.11	49.89
22.	Jewell	253.00	107.00	146.00
23.	Kearny	130.00	0	130.00
24.	Leavenworth	807.00	0	807.00
25.	Linn	313.50	0	313.50
26.	Logan	103.50	0	103.50
27.	Lyon	1,758.50	?	?
28.	Miami	600.00	92.78	507.22
29.	Mitchell	199.00	0	199.00
30.	Morris	155.00	155.00	0
31.	Ness	146.00	146.00	0
32.	Norton	184.50	0	184.50
33.	Osage	951.50	300.00	651.50
34.	Pottawatomie	738.00	0	738.00
35.	Reno	1,409.50	710.00	699.50
36.	Republic	231.00	0	231.00
37.	Rush	301.50	292.50	9.00
38.	Saline	994.50	100.00	894.50
39.	Sedgwick	4,196.69	4,196.69	0
40.	Seward	255.70	0	255.70
41.	Shawnee	2,396.25	1,198.13	1,198.12
42.	Sheridan	87.00	0	87.00
43.	Sherman	712.60	0	712.60
44.	Stafford	191.51	191.51	0
45.	Stanton	0	0	0
46.	Sumner	742.00	0	742.00
47.	Thomas	470.32	0	470.32
48.	Trego	716.00	0	716.00
49.	Wabaunsee	577.50	0	577.50
50.	Woodson	571.50	342.90	228.60

DISTRICT JUDGES
LOCAL SUPPLEMENT TO SALARY
(Jury Commissioners)

<u>County</u>	<u>Supplement</u>
Sedgwick (13 judges)	\$1,500
Shawnee (6 judges)	1,500
Wyandotte (7 judges)	1,500
Johnson (6 judges)	1,500
Saline (2 judges)	500
Leavenworth (2 judges)	500
Butler (2 judges)	500

Cite: K.S.A. 43-169

Chapter 43.—JURORS

Article 1.—GENERAL PROVISIONS

PETIT AND GRAND JURORS

43-102.

CASE ANNOTATIONS

15. United States Supreme Court decision concerning essential components in jury selection not applied retroactively; relief denied where jury impeached hereunder denied. *Roth v. State*, 218 K. 413, 414, 543 P.2d 931.

43-155.

CASE ANNOTATIONS

1. Method used in selection of jurors conformed to statutory requirements and did not violate defendant's constitutional rights. *State v. Campbell*, 217 K. 756, 762, 763, 539 P.2d 329.

43-156.

CASE ANNOTATIONS

1. Method used in selection of jurors conformed to statutory requirements and did not violate defendant's constitutional rights. *State v. Campbell*, 217 K. 756, 762, 539 P.2d 329.

43-159.

CASE ANNOTATIONS

1. Refusal to remove sheriff from jury panel for cause not reversible error. *State v. Mahkuk*, 220 K. 74, 75, 551 P.2d 869.

43-162.

Law Review and Bar Journal References:

Discussed in survey of criminal procedure, Cynthia Hartman, 15 W.L.J. 350, 353 (1976).

CASE ANNOTATIONS

1. Method used in selection of jurors conformed to statutory requirements and did not violate defendant's constitutional rights. *State v. Campbell*, 217 K. 756, 762, 763, 764, 539 P.2d 329.

43-163.

Law Review and Bar Journal References:

Discussed in survey of criminal procedure, Cynthia Hartman, 15 W.L.J. 350, 353 (1976).

CASE ANNOTATIONS

1. Method used in selection of jurors conformed to statutory requirements and did not violate defendant's constitutional rights. *State v. Campbell*, 217 K. 756, 760, 762, 763, 539 P.2d 329.

43-167. Jury service; additional jurors. In all cases where an insufficient number of jurors appear or if a panel be exhausted by challenge or otherwise before the jury is sworn, the court may order the sheriff, other officer or the special jury clerk, as provided by subsection (b) of K.S.A. 1975 Supp. 43-

169, to summon a sufficient number of other persons to complete the jury. The court may order such additional members summoned in the same manner as is provided for members of the original jury panel or otherwise.

History: K.S.A. 43-167; L. 1975, ch. 254, § 1; July 1.

43-169. Jury commissioners in certain judicial districts; compensation; method of payment. (a) In each judicial district consisting of a single county having a population of more than one hundred thousand (100,000) each judge shall receive one thousand five hundred dollars (\$1,500) per annum as compensation for services as jury commissioner and in each judicial district having two (2) or more divisions and consisting of more than one county, one of which has a population of more than thirty-nine thousand (39,000), each judge of the district court in such districts shall receive five hundred dollars (\$500) per annum as compensation for his or her services as jury commissioner.

(b) All compensation provided for by this section shall be paid in equal monthly installments. In each judicial district consisting of a single county, such compensation shall be paid by the board of county commissioners from the county general fund. In each judicial district consisting of more than one county, such compensation shall be paid by the board of county commissioners of the county having the greatest population in such district from the general fund of such county, and such board of county commissioners shall send a statement to the board of county commissioners of each of the other counties in such district for a proportional amount of such annual compensation, with such proportion to be based upon the respective populations of each county within such judicial district. Each board of county commissioners receiving a statement pursuant to this section shall make payment of the same from the general fund of the county.

History: K.S.A. 43-169; L. 1975, ch. 254, § 2; L. 1976, ch. 380, § 16; Jan. 10, 1977.