

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson10:00 a.m./p.m. on March 28, 1983 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaines, Hein and Werts.Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department
Mark Burghart

Conferees appearing before the committee:

Jim Clark, Kansas County and District Attorneys Association

A staff member reviewed the memo regarding the Prosecuting Attorney's Training Fund 1982 prepared by the research department (See Attachment #1). Committee discussion with him followed.

Jim Clark explained the training institute provides training for prosecutors, and his organization puts on five statewide seminars a year. They spend \$30,000 from their funds to send people out of state to the national college of district attorneys; especially for the rural counties. It is a training vehicle. Committee discussion followed. The chairman related a statement made by a county attorney that he would not run for office again because of the low pay; he doubts if anyone in his county is going to run. Mr. Clark replied, they do have a large turnover; a 67% turnover of elected officials, and close to 90% of the assistants. He reported of the 30 county attorneys who took office in 1981, none had prior experience, all were just out of law school. During the discussion, Mr. Clark reported they did a survey asking for total budgets, and they found the counties were spending less on local budgets than district judges salaries. Mr. Clark suggested having a form that would pick up the desired information. He said the Farm Bureau did a survey regarding statewide district attorney system, and they don't want to do it, because they don't want to lose county autonomy.

House Bill 2302 - Eliminates keeping executor docket and redemption minute book.

Following committee discussion, Senator Gaines moved to amend the bill to conform to Senate Bill 91, and request the bill be held on the calendar to see what Senate Bill 91 does in the House; Senator Werts seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

Sub. House Bill 2340 - Answer to wage garnishment order if defendant not an employee.

Following committee discussion, Senator Werts moved to amend the bill by striking "time of filing" and inserting "at the time of signing the answer"; Senator Gaines seconded the motion, and the motion carried. Senator Werts moved to report the bill favorably as amended; Senator Feleciano seconded the motion, and the motion carried.

House Bill 2055 - Increased court fees for Sedgwick county law library.

Representative Foster, the sponsor of the bill, was not present, and had asked staff to explain the bill. During committee discussion, a committee member said he would like Representative Foster to come in and explain his bill.

Senator Feleciano moved to introduce a Senate Concurrent Resolution requesting Kansas County and District Attorneys Association to develop a uniform report-

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 28, 1983.

ing form that would show more detailed information of beginning and ending
balances; Senator Gaines seconded the motion, and the motion carried.

Senator Feleciano requested staff to identify the status of funds that are in
Wichita, with regard to the law library. Committee discussion followed.

The meeting adjourned.

3-28-80

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Laverna Falk	1900 Sims Topeka Ks 66604	KCOA
Evelyn Falk	1900 Sims Topeka Ks	KCOA
Jim Clode	Topeka	KC DAA
Lamy Huns	Lawrence	Steiniger
Barb Penert	Topeka	KIDPE
Steve Koster	"	AP
Harold E. Rienon	"	KAOM
M. Hawer	"	Capital Journal

MEMORANDUM

March 23, 1983

TO: Senate Judiciary Committee

FROM: Kansas Legislative Research Department

RE: Prosecuting Attorney's Training Fund 1982
Expenditure Analysis

The Prosecuting Attorney's Training Fund was established in 1977 by the Legislature. K.S.A. 1982 Supp. 28-170a establishes this fund and requires the clerk of the district court to charge a 50 cent fee in each criminal case to be deducted from the docket fee and to charge an additional 50 cent fee in each case under the Kansas Code for Care of Children, the Kansas Juvenile Offenders Code, and each mental illness action. The district court clerk is required to pay these moneys at least monthly to the county treasurer who shall credit the moneys to the training fund.

The statute requires these moneys to be paid upon the order of the county or district attorney. These moneys shall be used exclusively for the training of personnel and related costs. Each county or district attorney is required, annually on or before January 15 to submit to the Attorney General and the chairperson of the Judiciary Committees of each house, an accounting of the amount of the fees collected and the purpose of each expenditure. The purpose of each expenditure shall specifically identify each person for which an expenditure was made, if appropriate, and the time and place where the training was received. If the expenditure is paid to a nonprofit organization of which the county or district attorney is a member, the training received for the expenditure and the time and place shall be noted.

The following is based on a compilation of information submitted to the Chairman of the Senate Judiciary Committee by the Kansas County and District Attorneys Association and the Russell and Sedgwick County prosecutors' offices.

There was a total of \$140,032.13 collected in Calendar Year 1982 for prosecuting attorneys training funds in the 105 counties. Total expenditures from these funds in Calendar Year 1982 was \$132,563.42. Sedgwick County collected the largest amount of these moneys -- \$12,255 -- and also reported the largest expenditure -- \$10,796.92. Wallace County collected the least amount of moneys with \$42.50. Other counties with collections of less than \$100 were Wichita, Sheridan, Lincoln, Lane, Jewell, Hodgeman, Greeley, and Comanche counties.

The majority of the funds collected or \$72,148.83 comprising 51.5 percent of the total, was paid by the prosecutors to the Kansas Prosecutors Training and Assistance Institute. This Institute is a nonprofit corporation which has the same board of directors as the Kansas County and District Attorneys' Association. The purpose of the Institute is to provide education, training, manuals, publications, and funding for training for local prosecutors, their assistants, and support staff.

There were a total of 17 counties which did not pay any moneys to the Institute and five counties which did not spend any training fund moneys for any purpose.

There were \$60,414.59 in other expenditures in 1982 from these funds. It would appear the bulk of these expenditures were for training seminars or conference registration fees and for travel, meals, and lodging expenses related thereto. For a number of counties, however, only the name of an individual and an expenditure is listed in the 1982 compilation report submitted by the Kansas County and District Attorneys' Association.

There was \$3,939.93 of the \$60,414.59 spent for books and other publications. There were at least six counties (Coffey, Kiowa, Norton, Osage, Russell, and Sumner counties) where a total of \$710 was spent for annual membership dues in either the Kansas County and District Attorneys' Association or the National District Attorneys' Association. In several counties it was unclear whether these moneys were being spent for membership dues to the Kansas Bar Association or for some type of training sponsored by this organization. Shawnee County spent \$271.25 of these moneys to purchase a pager from Motorola, Inc., and Rush County listed a \$112.84 expenditure to the Clark Boardman Company for supplies.

Many counties are not filing reports with sufficient information to determine the purpose of their expenditures. Further, apparently most of the county reports do not indicate an ending balance in their fund since this is not a part of the Kansas County and District Attorney compilation either.