

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m. ~~pm~~ on January 27, 1987 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the committee:

Charles N. Henson, Trust Division of the Kansas Bankers Association

Charles N. Henson, Trust Division of the Kansas Bankers Association, requested a bill be introduced concerning the prudent man rule. Following his explanation, Senator Parrish moved to introduce the bill. Senator Hoferer seconded the motion, and the motion carried.

Mr. Henson requested the introduction of a bill concerning fiduciaries. Following his explanation, Senator Langworthy moved that the bill be introduced. Senator Yost seconded the motion, and the motion carried.

Senate Bill 7 - Qualifications of district judges.

The chairman reviewed the bill. Following committee discussion, Senator Talkington moved to report the bill favorably. Senator Steineger seconded the motion. With five voting in favor of the bill and four in opposition, the motion carried. (See Attachment I).

Senate Bill 9 - District courts, creation of district judge positions.

The chairman reviewed the bill. Following committee discussion, Senator Burke moved to report the bill favorably. Senator Hoferer seconded the motion. The chairman read the fiscal note to the committee. The motion to report the bill favorably passed. A copy of a letter from Judge William R. Carpenter is attached (See Attachment II).

Senate Bill 14 - Diversion of criminal complaints, procedure.

The chairman reviewed the bill. Following considerable committee discussion, the chairman announced the bill would be tabled for today, and will be taken up again tomorrow for further consideration.

The meeting adjourned.

A copy of the guest list is attached (See Attachment III).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 1-27-87

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
TED TAY	Topeka	K.I.D.
Charles Henson	Topeka	KBA TRUST Div.
Bob Asbutworth	Topeka	KTKA
Ron Smith	" "	KBSA
Gene Johnson	Topeka	KS ASAP
Nike Germain	" "	KS Railroad Assoc.
Tom Murray	" "	MEAK
Jim Clark	Topeka	KCDAA
LARRY MAGILL	" "	INDEP. INS. AGENTS
T.C. Henderson	" "	KSCPA
Elizabeth E. Taylor	Topeka	KAETC & others KAADPD/KADACA
Barbara Reinert	" "	KPOA
Theresa Shively	Topeka	KANSAS NARAC
Mark Biberstein	Emporia	Sen. Burke
BILL DANIELS	LAWRENCE	LEGS INTERN SEN PARTISAN
Gail Hamilton	Lawrence	KS NOW
Ruth Wilbin	Topeka	Bid Scouts
Don [unclear]	" "	KCCD
Lon Callahan	Topeka	am. vns. assoc
Mr. Hoover	" "	Cap-Jury
Sandy Grosse	Whiston	RTHK
William S. Lamb	Topeka	WALO
Kevin M. Hill	" "	OJA
Sherry Ray	Alatby	Jo Co Comm.
KEITH R LANDIS	TOPEKA	CHRISTIAN SCIENCE QUARTERLY AND PUBLISHED FOR KS

Attach III
 Sen. Judiciary
 1-27-87

NAME	DISTRICT	YEAR TO BENCH	YEARS OF PRACTICE PRIOR TO JUDGESHIP	AGE AT START OF JUDGESHIP
WORDEN	17	78	6	30
HILL	6	81	6	30
HILL	27	79	6	31
KING	1	86	6	31
LONG	27	85	9	32
VIEUX	25	82	6	33
HART	6	85	9	33
MCWILLIAMS	10	80	10	34
MALONE	7	82	9	34
PIERRON	10	82	11	34
LORENTZ	31	79	10	35
RAMEY	26	81	6	35
MILLER	21	82	10	35
RUSSELL	10	85	8	35
BURR	15	78	8	36
KENNEDY	18	78	10	36
FOULSTON	18	79	12	36
GERNON	22	79	10	36
LYLE	27	81	8	36
MITCHELL	3	85	12	36
WALKER	9	85	12	36
ROYSE	18	86	8	36
GRAHAM	21	78	10	37
SMITH	4	79	13	37
ROBINSON	29	79	11	37
NAFZIGER	2	82	9	37
BREWSTER	11	82	14	37
HANDY	25	84	9	37
MEEKS	29	81	14	38
SHEPHERD	7	84	7	38
THOMPSON	14	85	13	38
WHITE	31	79	13	39
BENNINGTON	20	80	13	39
NYSWONGER	25	80	7	39
SIEVE	29	80	13	39
RULON	5	81	9	39
BUCHELE	3	81	15	39
HERBERT	28	84	15	39
KNUDSON	28	81	15	40
BROWN	27	82	11	40
PALMER	14	78	11	41
BUKATY	29	86	17	41
LAMAR	29	79	16	43
CLARK	18	81	12	43
DEER	18	83	11	43
REGAN	3	85	17	43
MCCLAIN	10	85	14	43
SANDERS	13	86	17	43

Atty. I.
Senate Judiciary
1-27-87

PODREBARAC	29	79	20	45
JACKSON	3	80	20	45
ALLEGRUCCI	11	82	19	45
DAVIS	1	84	20	45
DICK	5	78	22	46
JONES	10	80	21	46
YANDELL	30	82	10	47
KING	7	78	24	48
REID	9	80	22	51
GRADERT	8	80	21	51
BUCHANAN	18	83	25	51
WILLOUGHBY	15	78	27	53
SMITH	16	79	29	53
O'KEEFE	1	81	28	53
MCCARTHY	18	78	27	55
GRAY	10	80	32	55
BRADLEY	10	78	29	56
SANBORN	18	81	31	58
DOTY	4	83	33	59
HARDY	29	83	32	59
BOUSKA	10	85	33	59
CHRISTNER	8	79	29	60
CHIPMAN	10	80	32	60
KIMMEL	18	83	33	60
CRANMER	18	83	33	61
FOSSEY	6	78	38	62
SYBRANT	19	86	39	63
HORNUNG	18	78	40	64

District Court of Kansas Third Judicial District

Shawnee County, Kansas

Chambers of
William Randolph Carpenter
Administrative Judge of the District Court
Division No. One
Shawnee County Courthouse
Topeka, Kansas 66603

Officers:
Carol A. Heggison, C.S.R.
Official Reporter
295-4351
Hamelia S. Patton
Administrative Assistant
913-295-4365

January 21, 1987

Senator Bob Frey, Chairman
Senate Judiciary Committee
Room 128 South
State Capitol Building
Topeka, Kansas 66612


Dear Senator Frey:

On behalf of the Shawnee County District Judges, I wish to thank you and your committee members for granting us the opportunity to be heard yesterday concerning our request for one new judge of the District Court. I am enclosing copies of official statistics compiled by the Office of Judicial Administration.

You will note that civil and criminal case filings have increased 18.1% in fiscal year 1986 as compared with fiscal year 1985 in our judicial district. In addition, major case filings have increased 53.4% in the period FY '78 through FY '86.

We presently have twelve district judges. Shawnee County District Court received its last judicial position in July of 1981.

Sincerely yours,


William R. Carpenter
Administrative Judge

WRC/cam

Attch. II
1-27-87
Senate Judiciary

JUDICIAL DISTRICT 3 (Shawnee Co District Court)
SUMMARY OF CASELOAD FILINGS

	<u>FY 78</u>	<u>FY 79</u>	<u>FY 80</u>	<u>FY 81</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>	<u>78 to 86 % OF CHANGE</u>
Civil Cases:										
Regular Actions	1,130	1,535	1,592	1,459	1,423	1,359	1,423	1,510	2,199	+ 94.6
Domestic Relations	1,876	1,832	1,788	1,980	1,831	1,697	1,669	1,773	1,730	- 7.8
Limited Actions	3,604	4,684	5,566	5,210	5,351	5,005	4,308	5,714	6,667	+ 85.0
Total, Civil	6,610	8,051	8,946	8,649	8,605	8,061	7,400	8,997	10,596	+ 60.3
Criminal Cases:										
Felonies	808	929	860	798	872	861	838	856	833	+ 3.1
Misdemeanors	872	834	1,031	831	912	828	877	917	1,285	+ 47.4
Total, Criminal	1,680	1,763	1,891	1,629	1,784	1,689	1,715	1,773	2,118	+ 26.1
TOTAL MAJOR CASES	8,290	9,814	10,837	10,278	10,389	9,750	9,115	10,770	12,714	+ 53.4 ←
TOTAL LESSER JURISDICTION	17,095	20,049	21,003	19,461	20,312	20,362	16,380	13,322	13,353	- 21.9
LESSER JURISDICTION WITHOUT TRAFFIC	2,843	3,288	3,429	3,319	2,860	3,158	3,090	3,188	3,260	+ 14.7
GRAND TOTAL WITH TRAFFIC	25,385	29,863	31,840	29,739	30,701	30,112	25,495	24,092	26,067	+ 2.7
GRAND TOTAL WITHOUT TRAFFIC	11,133	13,102	14,266	13,597	13,249	12,908	12,205	13,958	15,974	+ 43.5

CIVIL AND CRIMINAL CASE FILINGS

by

JUDICIAL DISTRICT

<u>District</u>	<u>FY '85</u>	<u>FY '86</u>	<u>% of Change</u>
1	3,126	3,252	+ 4.0
2	1,689	1,346	-20.3
3 - <i>Shawnee Co.</i>	10,770	12,714	+18.1 ←
4	1,919	2,014	+ 5.0
5	2,523	2,805	+11.2
6	1,642	1,812	+10.4
7	2,591	2,813	+ 8.6
8	2,760	2,859	+ 3.6
9	1,456	1,509	+ 3.6
10	12,591	13,764	+ 9.3
11	2,766	2,969	+ 7.3
12	936	1,050	+12.2
13	1,865	1,838	- 1.4
14	2099	2,080	- 0.9
15	1,210	1,389	+14.8
16	2,167	2,252	+ 3.9
17	1,049	1,168	+11.3
18	20,807	23,060	+10.8
19	1,475	1,647	+11.7
20	3,418	4,107	+20.2
21	1,792	2,094	+16.9
22	973	1,100	+13.1
23	1,733	1,991	+14.9
24	958	1,103	+15.1
25	3,235	3,182	-1.6
26	1,962	1,984	+ 1.1
27	3,262	3,396	+ 4.1
28	3,002	3,032	+ 1.0
29	14,944	16,533	+10.6
30	2,438	2,546	+ 4.4
31	<u>2,079</u>	<u>1,947</u>	- 6.3
STATE TOTAL	115,435	125,356	+ 8.6