

Approved 4-26-88  
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Buntten at  
Chairperson

1:30 ~~am~~/p.m. on March 23, 1988 in room 514-S of the Capitol.

All members were present except: All present.

Committee staff present: Ellen Peikalkiewicz, Gloria Timmer, Russ Mills,  
Robin Hunn, Legislative Research  
Jim Wilson, Revisor of Statutes  
Sharon Schwartz, Administrative Aide  
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Representative Jessie Branson  
Dr. Arthur Cherry, Topeka Pediatrician  
Melissa Ness, Kansas Children's Service League and Ks. Children's Coalition  
Nancy Jorn, Douglas County Health Department  
John Schneider, Div. of Income Maintenance, SRS  
Justice Harold Herd, Kansas Supreme Court  
Judge Bill Carpenter, Kansas District Judges Association  
Leonard Mastroni, President, Kansas District Magistrate Judges Assn.  
Dennis Keenan, Attorney, Great Bend, Kansas  
Jerry Slaughter, Kansas Medical Society  
Representative Kathryn Sughrue  
Dr. Ed Flentje, Secretary of Administration

Others attending: See attached list.

Chairman Buntten announced that he has assigned SB 465 dealing with a \$1.6 million appropriation to Mental Health Centers to Representative Miller's subcommittee for review prior to a full hearing before the Appropriations Committee.

HB 2889 - An Act concerning medical assistance; relating to the medicaid program for maternity and infant care; requiring the state to participate in such program for indigent children and pregnant women; directing certain actions by the secretary of social and rehabilitation services.

Representative Jessie Branson appeared in support of HB 2889 and submitted written testimony (Attachment 1). HB 2889 requests the state to participate in Medicaid expansion for pregnant women and young children. Pregnant women would be covered during pregnancy and for 60 days postpartum. Children under two years of age would be covered, and after July 1, 1988, would be phased in annually up to five years of age by 1990.

Written testimony in support of HB 2889 was distributed to the Committee from the Association of Retarded Citizens of Kansas (Attachment 2) and the March of Dimes Birth Defects Foundation (Attachment 3).

Dr. Arthur Cherry, Topeka Pediatrician, appeared in support of HB 2889 and addressed the cost effectiveness of providing prenatal care to prevent premature delivery. The average cost is \$200,000 for a sick baby to spend 6-8 weeks in the hospital.

Melissa Ness, Kansas Children's Service League, appeared in support of HB 2889 and provided written testimony (Attachment 4). The Kansas Children's Coalition of some thirty member groups strongly recommends the adoption of this Medicaid option that would expand eligibility to pregnant women and children up to age two who have incomes up to 100% of the poverty line. Other remedial health care costs and state institutionalizations could be avoided as a result of adequate prenatal care.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,  
room 514-S Statehouse, at 1:30 ~~xx~~/p.m. on March 23, 1988

Nancy Jorn, Douglas County Health Department, appeared in support of HB 2889 (Attachment 5). She noted that under this bill Medicaid would finance the woman's obstetrical care and existing maternal-infant programs would continue to provide health education and support services for optimal pregnancy outcome.

John Schneider, Division of Income Maintenance, SRS, testified in opposition to HB 2889 (Attachment 6). He advised this issue was given full consideration in the development of the Governor's FY 1989 budget proposal. It was determined unaffordable for FY 1989, as maintenance of existing medical enhancements in a few select areas of the Medicaid budget must take priority.

HB 3094 - An Act concerning salaries and compensation of justices and judges of the judicial branch of state government, relating to certain increases; amending K.S.A. 75-3120f and 75-3120h and K.S.A. 1987 Supp. 75-3120g and repealing the existing sections.

This bill was introduced by the Appropriations subcommittee on the Judicial Branch. It provides for a 2.2% salary increase for district judges and does not include magistrate judges.

Justice Harold Herd, Kansas Supreme Court, testified in support of HB 3094 and emphasized the necessity to pay adequate salaries to attract the highest quality judiciary.

Judge Bill Carpenter, Kansas District Judges Association, testified in support of HB 3094 and provided a letter from the Kansas District Judges Association Executive Committee on the judicial base salary increase along with supporting data (Booklet on file in the House Appropriations office). He noted municipal judges are paid higher salaries than district judges. The only new money in the Judicial Branch budget this year is for salaries representing less than a two percent budget increase. Judge Carpenter noted the quality of the Kansas judiciary is high and the judges' concern is that we may wait too long and let the system rundown. Judge Carpenter indicated the Kansas District Judges Association supports the magistrate judges position in requesting to be included for the salary increase in HB 3094.

Leonard Mastroni, President, Kansas District Magistrate Judges Association, appeared to request the Committee to include district magistrate judges in HB 3094 and to support the proposed salary increase for the Kansas judiciary (Attachment 7). The District Magistrates number 70 judges and last received a salary increase in 1985 because of increased jurisdiction.

Dennis Keenan, Attorney, Great Bend, Kansas, expressed concern that magistrate judges are not included in HB 3094. He does not feel they are being adequately compensated for the services they render in the Kansas judiciary.

Jerry Slaughter, Kansas Medical Society, testified in support of HB 3094 and stated the Medical Society feels an increase in judicial compensation is necessary to attract and retain the best qualified judges (Attachment 8).

HB 2838 - An Act concerning the Kansas public employees retirement system; relating to purchase of participating service credit; amending K.S.A. 74-4919a and repealing the existing section.

Representative Kathryn Sughrue explained that HB 2838 would permit members of KPERs the option of purchasing the first year waiting period through double deductions (Attachment 9). Representative Hoy moved that HB 2838 be recommended favorably for passage. Seconded by Representative Turnquist. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations,  
room 514-S Statehouse, at 1:30 ~~am~~/p.m. on March 23, 1988

HB 2918 - An Act concerning the state health care benefits program; relating to the benefit year thereof; prescribing the composition of the Kansas state employees health care commission; amending K.S.A. 75-6501, 75-6502 and 75-6509 and repealing the existing sections.

Representative Brady explained that this bill would do two things: (1) change the contract year for the health insurance program of state employees from the calendar year to the fiscal year; and (2) add two members to the health care commission.

Dr. Ed Flentje, Secretary of Administration, appeared on behalf of the State Employee Health Care Commission in opposition to HB 2918 and provided written testimony (Attachment 10). He expressed concern that this bill would enlarge the time period between the point when bids for health benefits are accepted and the point when a health benefits plan is implemented. This could result in discouraging some bidders and increasing premiums.

HCR 5054 - A Concurrent Resolution directing the State Board of Regents to commence additional study of unnecessary duplication in degree programs at state educational institutions under its control and supervision and to make plans, reports and program consolidations with respect thereto.

Representative Vancrum explained HCR 5054 mandates the Board of Regents to launch another round of studies and requires a report that would justify the retention of duplicating degree programs at two or more Regents' institutions in which are enrolled five or fewer terminal degree students in undergraduate or graduate level. He would like the study to focus on strengthening programs and achieving efficiencies. The Legislative Post Audit division has recently completed a performance audit report reviewing the effect of eliminating university degrees and programs and the conclusions state that of the 155 programs discontinued or merged, only 29 actually affected faculty and funding. He is disappointed that this review seemed to have focused on programs not doing well anyway.

The meeting was adjourned at 3:45 p.m.







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REPRESENTATIVE, FORTY-FOURTH DISTRICT  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER: PUBLIC HEALTH AND  
WELFARE  
VICE CHAIRMAN: COMMISSION ON ACCESS TO SERVICES  
FOR THE MEDICALLY INDIGENT AND THE HOMELESS  
MEMBER: EDUCATION  
TAXATION  
STATE ADVISORY COMMISSION ON SPECIAL  
EDUCATION

March 23, 1988

TO: Representative Bill Bunten, Chairman and Members  
House Appropriations Committee

FROM: Representative Jessie Branson

RE: H.B. 2889 - Medicaid expansion for pregnant women and  
young children

Thank you, Mr. Chairman and Committee members for this  
opportunity to appear as a proponent of H.B. 2889.

H.B. 2889 requires the state to participate in the omnibus  
budget reconciliation acts of 1986 and 1987, which allows states  
to expand Medicaid coverage for a targeted group of people --  
pregnant women and young children.

Pregnant women would be covered during pregnancy and for  
60 days postpartum. Children under two years of age would be  
covered, and after July 1, 1988, would be phased in annually up  
to five years of age by 1990.

Jessie

HA  
3-23-88  
Attachment 1

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March 23, 1988

HEALTH CARE FOR MEDICALLY INDIGENT PREGNANT WOMEN  
AND YOUNG CHILDREN

1) DEFINITION

The Kansas threshold for income eligibility for Medicaid coverage of indigent pregnant women and small children should be raised from the current 60% to 100% of the federal poverty level. This would provide health care to medically indigent pregnant women and children who are not now covered by Medicaid and who have no other coverage for health care.

2) RATIONALE

The purpose of providing coverage to poor pregnant women and children is to reduce the critically high infant mortality/morbidity rate by improving pregnancy outcomes and reducing the incidence of low-birth weight and premature infants. If all eligible women below 100% of the poverty level were covered under this option it is estimated that up to 4,529 pregnant women would be affected.

Toward this end, a number of advocacy groups in Kansas have been strongly urging the adoption of the OBRA option for over a year, including the Children's Coalition, Kansas Action for Children, The Kansas Commission on Medical Indigence and Homelessness, Association for Retarded Citizens of Kansas, local health departments and hospitals, and others.

See Attachment A, Fact Sheet.

3) OBRA '86/'87

The 1986 Congress, in its Omnibus Budget Reconciliation Act, authorized states to expand Medicaid coverage for pregnant women and for children up to age 2 years by raising the monthly threshold to 100% of the federal poverty level.

The December 1987 federal reconciliation package increased the optional coverage by raising the eligibility to 185% of the federal poverty level threshold for pregnant women and for children up to 5 years of age (starting with age 2 and allowing an annual phase-in to age 5 by October 1, 1990).

Congress passed this legislation at the urging of the National Governors' Association, which established improved prenatal and child health care as a national priority.

4) OTHER STATES

By January 1, 1988, 27 states had adopted the Medicaid expansion option for pregnant women and children up to 100% poverty level.

This level of state activity is noteworthy, given that the optional authority under OBRA-86 was granted just over one year ago.

Additionally, several other states are pursuing pregnant women expansions in their 1988 Sessions.



5) COST EFFECTIVENESS OF PRENATAL CARE

In addition to the human cost of low-birth weight infants, the medical cost can be tremendous. The estimated cost of neonatal intensive care is \$20,000 to \$100,000 per infant. These figures do not include the cost of later hospitalizations, support services and long term care needs which may result from chronic or handicapping conditions developed by low-birth weight infants.

Approximately \$3.00 is saved in short-term, health care cost for every \$1.00 spent in preventive prenatal care services. (The Minority Health Care Task Force of the Health Systems Agency of Northeast Kansas - 1986. Children's Defense Fund. U. S. House of Representatives Select Committee on Children, Youth and Families, January 1988.)

See Attachment B - KANSAS REGIONAL PERINATAL CARE PROGRAM/Level III Perinatal Care Centers.

6) COST OF PROGRAM

SRS estimates the state general fund cost for FY '89 to raise the Medicaid eligibility threshold to 100% of poverty for pregnant women and to children less than 2 years old is \$1,689,700 (\$1.7 million). The total cost is \$3,722,600, thus Kansas would receive \$2 million from the federal government to fund this option (45/55 match).

This cost is based upon the assumption that all eligible women would participate. It is, of course, unlikely that there would be 100% participation, particularly the first year.

Phasing in children up to 5 years by 1990 (as allowed by OBRA '87) could be done at relatively little increased cost.

See Attachment C - LEGISLATIVE RESEARCH, Department Memorandum: Information on Option for Medicaid Expansion for Pregnant Women & Children (2/1/88).

FACT SHEET

Low Birthweight/Inadequate Prenatal Care Strong Predictors of Infant Mortality-Morbidity

- \*The U.S. ranked last (tied with Belgium, the German Democratic Republic and the German Federalist Republic) among 20 industrialized nations in its infant mortality rate (IMR) in 1980-85. (Children's Defense Fund)
- \*The IMR for the U.S. in 1986 was 10.4. The IMR for Kansas in 1986 was 8.6. (KDHE)
- \*15% of pregnant women (nearly 6,000) in Kansas during 1986 did not receive adequate prenatal care. (KDHE)
- \*Low birthweight infants in the U.S. are nearly 40 times more likely to die in the first month of life and are 3 times more likely to have neuro-developmental handicaps and congenital anomalies than normal infants. (Institute of Medicine).
- \*Babies born to women who receive no prenatal care are 3 times more likely to be low birthweight than those born to mothers who receive early care (GAO).
- \*The infant mortality rates among blacks and other minorities in Kansas (and the nation) is nearly twice that of whites. (MCH/KDHE).
- \*Infants born to teenage mothers are 60% more likely to die in the post-neonatal period as those born to mothers over 20. These infants are 2-3 times as likely to be LBW (low birthweight) as infants born to mothers in their 20's or 30's. (Congressional Research Service).

KANSAS REGIONAL PERINATAL CARE PROGRAM

Level III Perinatal Care Centers

Admission and discharge data from NICU nurseries by calendar year 1986

1. Number of infants admitted to neonatal intensive care units...1027
2. Number of live discharges..... 938
3. Number of deaths during hospitalization..... 89

Average daily costs have been estimated to range from \$750. to \$1000. for hospitalization of high risk infant in the neonatal intensive care unit (NICU).



MEMORANDUM

February 1, 1988

FROM: Kansas Legislative Research Department

RE: Information on Option for Medicaid Expansion  
for Pregnant Women and Children

Background

Beginning April 1, 1987, states could recognize a new Medicaid optional coverage group of poor pregnant women and infants. Additional children could be phased in beginning on October 1, 1987, by increasing the age level of eligibility one year per fiscal year until children up to age five are covered.

Pregnant women who become eligible under this option would remain so until 60 days following the end of their pregnancies, regardless of fluctuations in family income. Thus, a state could guarantee a minimum Medicaid enrollment period that covers both the pregnancy and postpartum period.

Under the April, 1987 authorization, states could set the income eligibility level anywhere between their existing aid to families with dependent children (AFDC) payment levels and 100 percent of the federal poverty level. The federal reconciliation package passed in December 1987 provides that beginning July 1, 1988, states could extend Medicaid coverage to pregnant women and to infants up to age one in families with incomes up to 185 percent of the federal poverty threshold. States may impose a premium for such coverage of up to 10 percent of the amount by which the family's income (less child-care costs) exceeds 150 percent of poverty. Beginning July 1, 1988, states may cover all children up to age 5 born after September 30, 1983, with incomes under 100 percent of poverty, regardless of family composition.

For the pregnant women, medical benefits would be paid only for services related to pregnancy or its complications, including prenatal care, delivery, and postpartum services. The pregnancy benefit package must be identical to the package provided to AFDC/Medicaid recipients. Infants and children would receive standard Medicaid benefits. State expenditures for benefits would be watched at the regular rate (55.2 percent in Kansas).

If states elect these options, they must cover all individuals in the optional group. For example, states may not cover only pregnant women, only children, or only subcategories of pregnant women, such as pregnant teenagers. In addition, states may not cover one age group of children without also including younger children.

Benefits

Benefits of this new option cited by a recent NCSL publication include:

1. Extending coverage could have a significant impact on indigent health costs. There would be less uncompensated care for providers.
2. Preventive health care, such as prenatal and well child care is a cost-effective use of Medicaid dollars. A comprehensive prenatal care package for one woman, not including labor and delivery services, costs an estimated \$250 to \$350, compared to an estimated cost of \$20,000 to \$100,000 per infant for neonatal intensive care which may be required for low-birth weight infants.
3. Part of the cost burden for indigent care would be shifted to the federal government as matching funds are provided.
4. The program would allow elimination of the spend-down (or "deductible") for clients under the AFDC-Medical Only program with incomes up to a percent of the federal poverty level
5. The spend-down would be less for those clients with incomes over a percent of the federal poverty level
6. Some clients who do not now sign up for the AFDC-Medical Only program might be encouraged to do so because of the lower spend-down requirements

Costs

Outlined below is the estimated fiscal impact for covering women and children up to 100 percent and 75 percent of the federal poverty level.

	<u>Est. Number</u>	<u>Unit Cost</u>	<u>Est. Total Cost</u>	<u>Est. State Cost</u>
1. Est. Number of Women 18-44 Below 100% Federal Poverty Level	62,122			
Est. Number of Pregnancies	4,529	\$822	\$ 3,722,600	\$ 1,689,700
2. Est. Number of Women 18-44 Below 75% Federal Poverty Level	41,000			
Est. Number of Pregnancies	2,989	\$822	\$ 2,457,000	\$ 1,115,000

The above figures are SRS estimates. It appears that the cost per pregnancy does not reflect increased reimbursement rates for prenatal and obstetric services that were authorized by the 1987 Legislature. The average cost per pregnancy is now estimated at approximately \$1,450. However, it also appears that SRS has assumed that 100 percent of the estimated pregnant women below the federal poverty level would take advantage of the program. Particularly in the first year, it would be unlikely that all eligible low-income pregnant women would take

advantage of the program. It should be stressed that it is extremely difficult to project costs for the Medicaid expansion option. It also is probable that costs of the AFDC-Medical Only program would be reduced, as many clients previously eligible for that program would instead be covered under this new option.

SRS is working on additional information on this issue, including costs of expanding the coverage to pregnant women and children up to 185 percent of the federal poverty level. There do appear to be some administrative complexities regarding the option. For example, for a woman with one child under age one and one child age five, if her income was 90 percent of the federal poverty level, the new option would allow Medicaid coverage for the child under age one without a spend-down, but a spend-down would be required for the older child. SRS is preparing information further analyzing these complexities.

Attached is information showing the number of states that have already selected the new Medicaid option according to the National Governor's Association.

Other Medicaid Expansion Options

Currently, SRS has the authority to set Medicaid standards (without a spend-down) at 133 1/3 percent of the maximum AFDC payment standard. The current Medicaid standards are, in most family sizes, somewhat below the maximum. The following chart outlines this situation:

Family Size	Protected Income Level (PIL) - Medicaid	100% Fed. Pov. Level	Medicaid PIL as % of Fed. Pov. Level	133 1/3% of AFDC Max. Pymt. Stdrd.	133 1/3% of AFDC Max. Pymt. Stdrd. As % of Fed. Pov. Level
1	\$ 354	\$ 458	77.3%	\$ 347	75.8%
2	460	617	74.6	451	73.1
3	465	775	60.0	545	70.3
4	470	933	50.4	627	67.2

As can be seen, Kansas could raise the protected income level for Medicaid families with three or more persons. SRS estimates the cost of this change at approximately \$2 million, of which about 50 percent would be from the State General Fund.

Also, it should be noted that for one and two person families, Medicaid coverage is already provided without a spend-down for those persons with incomes up to approximately 75 percent of the federal poverty level. For three person families, Medicaid coverage is provided without a spend-down for persons with incomes up to approximately 60 percent of the federal poverty level. For four person families, Medicaid coverage is provided without a spend-down for persons with incomes up to approximately 50 percent of the federal poverty level.



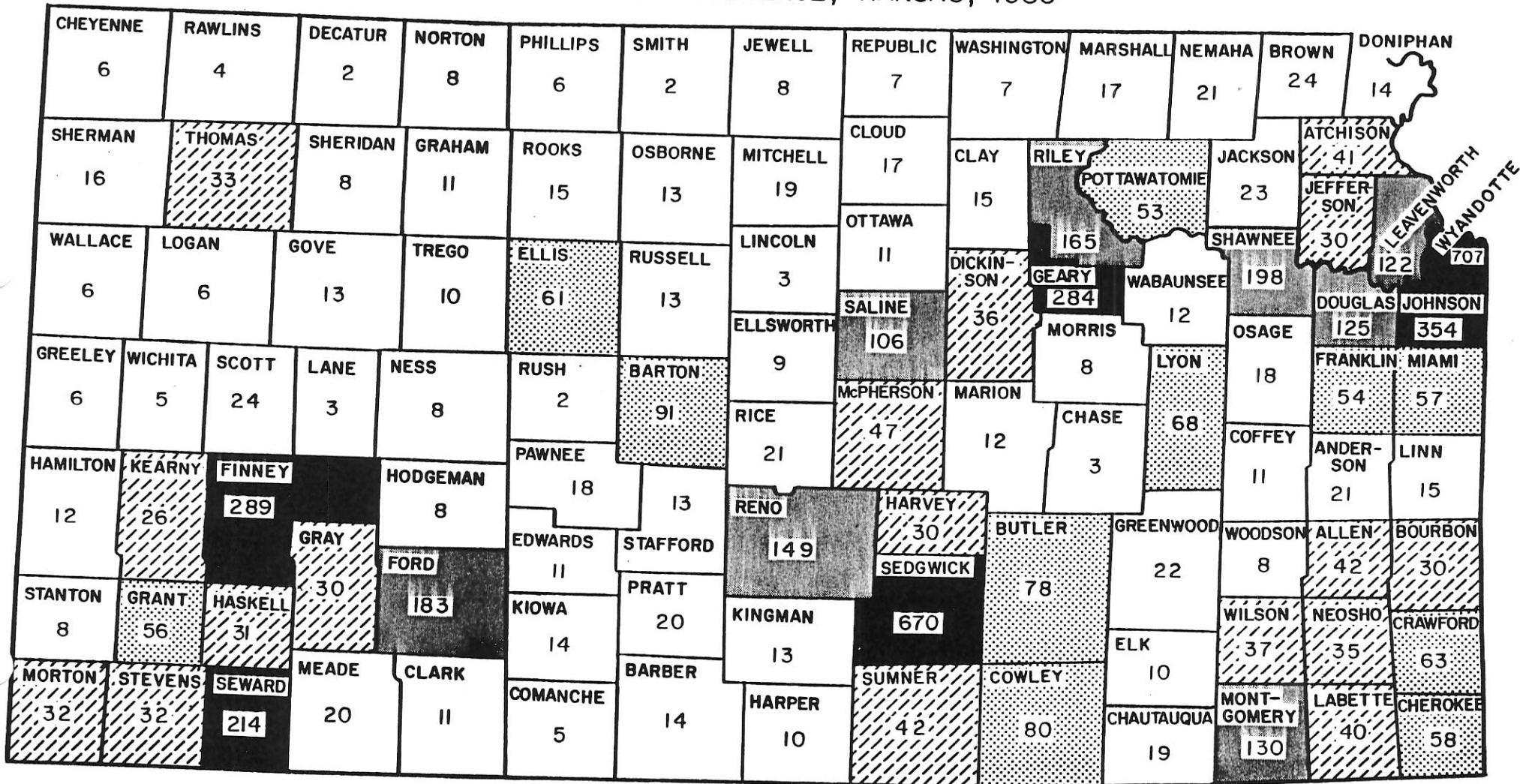
ANNUALIZED MEDICAID ELIGIBILITY THRESHOLDS<sup>1</sup> -  
 AFDC, MEDICALLY NEEDY - AS JULY 1987  
 OBRA-86 PREGNANT WOMEN - EFFECTIVE BY JANUARY 1988

	AFDC Family of 3	Percent of Poverty (\$9,300) <sup>2</sup>	Medically Needy Family of 3	Percent of Poverty (\$9,300) <sup>2</sup>	OBRA-86 Pregnant Women Family of 3	Percent of Poverty (9,300) <sup>2</sup>
Alabama	\$1,416	15.2%	\$---	---	\$---	---
Alaska	8,988	77.3	---	---	---	---
Arizona	3,516	37.8	---	---	9,300	100
Arkansas	2,424	26.1	3,300	35.5	6,975	75
California	7,596	81.7	10,200	109.7	10,200	109.7 <sup>3</sup>
Colorado	5,052	54.3	---	---	---	---
Connecticut	6,168	66.3	7,500	80.6	9,300	100
Delaware	3,720	40.0	---	---	9,300	100
District of Columbia	4,368	47.0	5,820	62.6	9,300	100
Florida	3,168	34.1	4,308	46.3	9,300	100
Georgia	3,156	33.9	4,200	45.2	---	---
Hawaii	5,892	55.1	5,892	55.1	---	---
Idaho	3,648	39.2	---	---	---	---
Illinois	4,104	44.1	5,496	59.1	---	---
Indiana	3,456	37.2	---	---	---	---
Iowa	4,572	49.2	6,096	65.5	---	---
Kansas	4,596	49.4	5,580	60.0	---	---
Kentucky	2,364	25.4	3,204	34.5	9,300	100
Louisiana	2,280	24.5	3,096	33.3	---	---
Maine	6,696	72.0	6,492	69.8	---	---
Maryland	4,308	46.3	5,004	53.8	9,300	100
Massachusetts	6,600	71.0	8,796	94.6	9,300	100
Michigan	6,480	69.7	6,444	69.3	9,300	100
Minnesota	6,384	68.6	8,508	91.5	8,508	91.5 <sup>4</sup>
Mississippi	4,416	47.5	---	---	9,300	100
Missouri	3,384	36.4	---	---	9,300	100
Montana	4,308	46.3	4,848	52.1	---	---
Nebraska	4,200	45.2	5,400	58.1	---	---
Nevada	3,420	36.8	---	---	---	---
New Hampshire	5,832	62.7	6,468	69.5	---	---
New Jersey	5,088	54.7	6,792	73.0	9,300	100
New Mexico	3,168	34.1	---	---	9,300	100
New York	5,964	64.1	7,400	79.6	---	---
North Carolina	3,108	33.4	4,200	45.2	9,300	100
North Dakota	4,452	47.9	5,220	56.1	---	---
Ohio	3,708	39.9	---	---	---	---
Oklahoma	3,720	40.0	5,004	53.8	9,300	100
Oregon	4,944	53.2	6,588	70.8	7,905	85
Pennsylvania	4,380	47.1	5,100	54.8	---	---
Rhode Island	6,036	64.9	7,896	84.9	9,300	100
South Carolina	4,656	50.1	---	---	9,300	100
South Dakota	4,392	47.2	---	---	---	---
Tennessee	4,236	45.5	2,604	28.0	9,300	100
Texas	2,208	23.7	3,204	34.5	---	---
Utah	8,316	89.4	6,012	64.6	9,300	100
Vermont	7,236	77.8	7,404	79.6	9,300	100
Virginia	3,492	37.5	4,300	46.2	---	---
Washington	5,904	63.5	6,804	73.2	8,370	90
West Virginia	2,988	32.1	3,480	37.4	9,300	100
Wisconsin	6,600	71.0	8,268	88.9	---	---
Wyoming	4,320	46.5	---	---	---	---
<b>Average State</b>	<b>\$4,616</b>	<b>49.3%</b>	<b>\$5,748</b>	<b>61.3%</b> <sup>5</sup>	<b>\$9,125</b> <sup>6</sup>	<b>98.1%</b>

SOURCE: State Medicaid Information Center, National Governors' Association  
 July 1987

## PRENATAL CARE

### NUMBER OF WOMEN WHO DID NOT RECEIVE ADEQUATE PRENATAL CARE BY COUNTY OF RESIDENCE, KANSAS, 1986



STATE: 5,748

Residence data.

SOURCE: Kansas Department of Health  
and Environment

LEGEND

- Less than 25
- 25 - 50
- 51 - 100
- 101 - 200
- Over 200

Selected Statistics for Kansas and the United States  
1965, 1975 and 1981-1986

Year	Kansas				U.S.
	Total Births	Perinatal Period III Deaths			Rate <sup>a</sup> /
		Fetal Deaths	Hebdomadal Deaths (Under 1 Week)	Rate <sup>a</sup> /	
1965.....	39,644	466	550	25.6	n. a.
1975.....	34,048	341	304	18.9	n. a.
1980.....	41,026	340	226	13.8	n. a.
1982.....	41,093	336	234	13.9	n. a.
1983.....	40,661	296	202	12.2	n. a.
1984.....	40,232	278	200	11.9	n. a.
1985.....	39,692	274	184	11.5	n. a.
1986.....	39,419	242	153	10.0	n. a.

	Live Births	Neonatal Deaths	Kansas Rate <sup>b</sup> /	U.S. Rate <sup>b</sup> /
1965.....	39,178	600	15.3	17.7
1975.....	33,707	341	10.1	11.6
1980.....	40,686	269	6.6	8.5
1982.....	40,757	273	6.7	7.7
1983.....	40,365	237	5.9	7.3
1984.....	39,954	251	6.3	7.0
1985.....	39,418	227	5.8	7.2 <sup>c</sup> /
1986.....	39,177	190	4.8	6.7 <sup>c</sup> /

	Live Births	Infant Deaths	Kansas Rate <sup>b</sup> /	U.S. Rate <sup>b</sup> /
1965.....	39,178	814	20.8	24.7
1975.....	33,707	468	13.9	16.1
1980.....	40,686	412	10.1	12.6
1982.....	40,757	417	10.2	11.5
1983.....	40,365	406	10.1	10.9
1984.....	39,954	392	9.8	10.8
1985.....	39,418	357	9.1	10.6 <sup>c</sup> /
1986.....	39,177	337	8.6	10.4 <sup>c</sup> /

	Live Births	Maternal Deaths	Kansas Rate <sup>d</sup> /	U.S. Rate <sup>d</sup> /
1965.....	39,178	12	3.1	3.2
1975.....	33,707	6	1.8	1.3
1980.....	40,686	4	1.0	0.9
1982.....	40,757	3	0.7	0.8
1983.....	40,365	4	1.0	0.8
1984.....	39,954	4	1.0	0.8
1985.....	39,418	3	0.8	0.8
1986.....	39,177	1	0.3	0.9 <sup>c</sup> /

Perinatal Period III Death: The death of a fetus which weighs more than 350 grams or a liveborn infant during the hebdomadal period (less than seven days after birth).

Neonatal Death: The death of a liveborn infant which occurs prior to the twenty-eighth day of life.

Infant Death: The death of a liveborn infant which occurs within the first year of life.

<sup>a</sup>/Perinatal Period III Death Rates are expressed per 1,000 total births (live births plus fetal deaths).

<sup>b</sup>/Neonatal and Infant Death Rates are expressed per 1,000 live births.

<sup>c</sup>/Estimates.

<sup>d</sup>/Maternal Death Rates are expressed per 10,000 live births.

Residence data.

Kansas Department of Health and Environment  
Office of Communication Services  
Bureau of Family Health  
Kansas Regional Perinatal Care Program

1-13

**Live Births, Infant Deaths and Infant Death Rates\***  
**By Selected Counties and Kansas, Five-Year Period, 1982-1986**

County and Race**	Year														
	1986			1985			1984			1983			1982		
	Live Births	Infant Deaths	Infant Death Rate	Live Births	Infant Deaths	Infant Death Rate	Live Births	Infant Deaths	Infant Death Rate	Live Births	Infant Deaths	Infant Death Rate	Live Births	Infant Deaths	Infant Death Rate
Kansas.....	39,177	337	8.6	39,418	357	9.1	39,954	392	9.8	40,365	406	10.1	40,757	417	10.2
White.....	34,511	283	8.2	35,551	308	8.7	36,025	322	8.9	36,424	349	9.6	36,650	350	9.5
Black.....	3,458	48	13.9	2,890	44	15.2	2,916	59	20.2	2,971	50	16.8	3,065	61	19.9
Other Nonwhite...	1,203	6	5.0	971	5	5.1	1,003	10	10.0	959	7	7.3	1,037	6	5.8
Not Stated.....	5	-	-	6	-	-	10	1	***	11	-	-	5	-	-
Geary.....	1,137	12	10.6	1,181	10	8.5	1,247	22	17.6	1,275	18	14.1	1,311	19	14.5
White.....	680	4	5.9	778	4	5.1	780	13	16.7	859	12	14.0	863	13	15.1
Black.....	370	8	21.6	307	6	19.5	336	9	26.8	304	6	19.7	332	5	15.1
Other Nonwhite...	86	-	-	96	-	-	131	-	-	112	-	-	116	1	***
Not Stated.....	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sedgwick.....	7,286	78	10.7	7,251	57	7.9	7,327	81	11.1	6,923	92	13.3	7,238	68	9.4
White.....	6,029	62	10.3	6,166	41	6.6	6,228	55	8.8	5,852	75	12.8	6,078	49	8.1
Black.....	990	15	15.2	827	15	18.1	846	20	23.6	810	16	19.8	832	17	20.4
Other Nonwhite...	267	1	3.7	258	1	3.9	253	6	23.7	261	1	3.8	328	2	6.1
Not Stated.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shawnee.....	2,322	25	10.8	2,363	35	14.8	2,363	23	9.7	2,429	25	10.3	2,480	35	14.1
White.....	1,968	21	10.7	2,061	28	13.6	2,091	18	8.6	2,130	19	8.9	2,162	28	13.0
Black.....	290	4	13.8	264	7	26.5	224	4	17.9	255	4	15.7	275	7	25.5
Other Nonwhite...	64	-	-	36	-	-	47	1	***	44	2	***	42	-	-
Not Stated.....	-	-	-	2	-	-	1	-	-	-	-	-	1	-	-
Wyandotte.....	3,173	34	10.7	3,147	35	11.1	3,165	50	15.8	3,253	36	11.1	3,400	53	15.6
White.....	2,038	22	10.8	2,113	24	11.4	2,158	30	13.9	2,176	22	10.1	2,255	33	14.6
Black.....	1,065	12	11.3	952	11	11.6	926	19	20.5	979	14	14.3	1,013	20	19.7
Other Nonwhite...	70	-	-	82	-	-	79	1	***	94	-	-	132	-	-
Not Stated.....	-	-	-	-	-	-	2	-	-	4	-	-	-	-	-

\*Infant death rates are expressed as the number of infant deaths per 1,000 live births.

\*\*In previous years the race of the infant was based upon the race of the mother, whereas, in 1986, the race of the infant was based upon both the race of the mother and father.

\*\*\*Rate does not meet statistical standards of precision or reliability (designated whenever the denominator is less than 200).

Source: Kansas Department of Health and Environment  
7/87



PERCENT OF LOW BIRTHWEIGHT INFANTS\*  
BY COUNTY OF RESIDENCE

KANSAS, 1984 and 1985

CHEYENNE - 3.2	RAWLINS 4.1 3.3	DECATUR - 9.0	NORTON 7.2 3.4	PHILLIPS 2.9 2.3	SMITH 6.7 12.7	JEWELL 6.5 5.6	REPUBLIC 4.3 2.2	WASHINGTON 2.1 2.6	MARSHALL 5.9 1.6	NEMAHA 8.1 5.8	BROWN 3.6 3.8	DONIPHAN 5.5 4.4		
SHERMAN 7.5 4.3	THOMAS 6.2 5.8	SHERIDAN 3.9 2.1	GRAHAM 6.0 8.1	ROOKS 6.2 -	OSBORNE 12.8 6.2	MITCHELL 1.8 4.2	CLOUD 3.2 4.2	CLAY 4.6 6.6	RILEY 5.0 5.1	POTTAWATOMIE 5.1 5.3	JACKSON 4.5 6.4	ATCHISON 6.3 4.2		
WALLACE - -	LOGAN - 2.1	GOVE 3.1 5.9	TREGO 5.7 2.0	ELLIS 4.7 6.5	RUSSELL 3.2 4.9	LINCOLN 8.9 2.6	OTTAWA 6.7 11.4	DICKINSON 8.8 4.5	GEARY 6.8 7.3	WABAUNSEE 3.0 8.7	SHAWNEE 6.0 7.2	JEFFERSON 5.6 5.6	LEAVENWORTH 6.3 5.1	WYANDOTTE 18.8 18.6
GREELEY 3.8 -	WICHITA 3.5 6.0	SCOTT 4.6 1.2	LANE 2.9 2.4	NESS 2.6 2.4	RUSH 12.5 5.0	BARTON 6.1 5.7	ELLSWORTH 2.3 9.6	SALINE 5.9 7.0	MORRIS 4.6 4.5	LYON 4.4 6.8	OSAGE 3.5 3.9	DOUGLAS 5.5 5.6	JOHNSON 5.5 4.7	MIAMI 6.4 5.5
HAMILTON 10.3 12.5	KEARNY 5.6 6.3	FINNEY 6.6 8.0	HODGEMAN 8.2 2.6	PAWNEE 3.8 3.1	EDWARDS 4.8 1.6	STAFFORD 5.6 2.1	RENO 5.6 5.7	HARVEY 6.3 5.6	CHASE 2.0 -	MARION 4.3 3.6	COFFEY 7.7 5.8	ANDERSON 5.0 1.0	LINN 13.3 6.7	FRANKLIN 4.2 7.9
STANTON 2.8 3.1	GRANT 4.4 4.1	HASKELL 6.7 9.0	GRAY 2.5 3.2	FORD 5.8 7.3	KIOWA 5.3 7.1	PRATT 5.5 7.6	KINGMAN 5.4 5.3	SEDGWICK 7.2 7.2	BUTLER 7.0 5.9	GREENWOOD - 3.6	WOODSON 4.8 7.4	ALLEN 4.5 3.0	BOURBON 4.4 3.7	WILSON 5.6 8.2
MORTON 10.0 8.5	STEVENS 7.6 7.8	SEWARD 5.4 6.9	MEADE 8.0 2.6	CLARK - 6.1	COMANCHE - 2.7	BARBER 5.2 4.2	HARPER 4.3 8.2	SUMNER 4.7 4.0	COWLEY 6.1 7.2	ELK - 7.3	WILSON 5.6 8.2	NEOSHIO 5.0 4.2	CRAWFORD 4.9 6.0	CHEROKEE 5.2 6.4

\*Under 2,501 grams

Top number is 1984 percent  
Bottom number is 1985 percent

STATE: 6.1 - 1984  
6.1 - 1985

SOURCE: Kansas Department of Health and Environment

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THE ASSOCIATION FOR  
RETARDED CITIZENS OF KANSAS, INC.



1111 W. 59th TERRACE  
SHAWNEE, KANSAS 66203 • (913) 268-8200

March 23, 1988

BRENT GLAZIER  
*Executive Director*

CLARE A. LEECH, JR.

President

Secretary

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Member

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Member

FRANK R. BIRN

Member

Member

TO: Rep. Bill Buntgen, Chairman  
Members of the House Appropriations Committee

FROM: Lila Paslay, Chairperson  
Legislative Affairs

RE: H. B. 2889

The Association for Retarded Citizens of Kansas urges you to support H.B. 2889.

During our 35 year history, we have worked toward educating the public about the prevention of mental retardation/developmental disabilities. We have made great strides through research to determine what many causes of mental retardation are and you, as legislators, have made it possible to eradicate some causes of mental retardation/developmental disabilities.

A primary cause of mental retardation/developmental disabilities is low birth weight. The incidence of low birth weight is directly related to the incidence of mental retardation/developmental disabilities. One of the major causes of low birth weight babies is poor prenatal care. The passage of H.B. 2889 would address at least one group which has been targeted as "high risk". These are mothers who cannot afford prenatal care.

We ask that you pass H.B. 2889 favorably out of your committee.

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MARCH OF DIMES STATEMENT

IN SUPPORT OF MEDICAID EXPANSION (HB 2889)

The March of Dimes Birth Defects Foundation supports the expansion of the Kansas Medicaid program to include additional services for infants and pregnant women.

For 50 years, the March of Dimes has pioneered efforts to ensure the health of America's children and babies. As part of our mission to prevent birth defects, we work to reduce the incidence of low birthweight and infant mortality. The passage of the measure, HB 2889, will increase the availability of prenatal care and help reduce the ranks of infant mortality in Kansas.

The Importance of Prenatal Care

Studies have shown that early and regular prenatal care for women is vital. Prenatal care helps ensure healthier mothers and babies and is the primary means of preventing low birthweight, the leading cause of infant deaths in America. Each year 250,000 babies in the United States are born weighing less than 5.5 pounds. These babies are at a high risk of becoming sick or disabled, or of dying during their first year.

Infant mortality and low birthweight can be significantly decreased if women receive early and regular prenatal care. In a 1985 study on reducing low birthweight, the Institute of Medicine of the National Academy of Sciences concluded that "the overwhelming weight of the evidence is that prenatal care reduces low birthweight. This finding is strong enough to

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support a broad national commitment to ensure that all pregnant women in the United States, especially those at medical or socioeconomic risk, receive high-quality prenatal care."

This study also verified the cost-effectiveness of prenatal care. It showed that every dollar spent on prenatal care saves more than \$3 in medical costs for low-birthweight infants.

#### The Problem In Kansas

According to the Kansas Department of Health and Environment, the infant mortality rate in Kansas in 1986 was 8.6 per thousand. (In 1985, we ranked 10th of the 50 states.) The percentage of low birthweight babies is 6.2%. And finally, about 15.1% of our babies are born to women who delay their entry into prenatal care.

Our state Medicaid program now serves families with incomes of less than 60% of the federal poverty level, which is less than \$5,580 per year for a family of three. Raising the eligibility threshold is an important part of making maternity services available to all who need them in our state.

#### The Solution--Expansion of Medicaid

Expanding maternity care services under HB2889 would have a positive effect on the health of Kansas' citizens, lowering the rate of infant mortality and the costs to the state resulting from unhealthy births.

At the federal level, despite overwhelming pressure to cut federal spending, several significant Medicaid expansions have been approved. The "SOBRA" expansion enacted in 1986 allows states to expand Medicaid coverage to all pregnant women and their infants with family incomes up to the federal poverty level. To date, 25 states have implemented this option. HB 2889 would allow Kansas to join these ranks.

Our Recommendation

The March of Dimes supported this Medicaid expansion at the federal level and subsequently is urging all states to expand their Medicaid programs to make maternity care available to more of its low-income women.

The March of Dimes chapters of Kansas consider maternity care services and education to be among the highest priorities for Kansas' resources. We urge passage of HB2889 to expand Medicaid coverage to more pregnant women and infants in Kansas.

This bill provides an opportunity to reduce state health care costs and is an investment in a healthy start in life for Kansas' citizens.

Mary Pittenger  
Contact Person  
266-4613 (913)

Testimony before House Appropriations Committee

HB 2889 An Act concerning medical assistance relating to the medicaid program for maternity and infant care

By Melissa Ness, M.S.W., J.D.

*To protect, enhance  
and promote the  
welfare of children  
—since 1893*

**TOPEKA OFFICE:**

2053 Kansas Ave.  
P.O. Box 5314  
Topeka, KS 66605  
(913) 232-0543

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**CENTRAL OFFICE:**

1365 N. Custer  
P.O. Box 517  
Wichita, KS 67201  
(316) 942-4261

Kansas Children's Service League is a statewide non-profit organization serving the needs of children in the state of Kansas. We provide a variety of services based on the local needs of the community. Services include parenting education, adoption, family counseling and foster care. We also run an emergency shelter for runaway and abused and neglected children in Topeka.

Kansas Children's Service League is also a member of the Kansas Children's Coalition. It is a broad based coalition comprised of some thirty member groups. Our mission is to support laws, policies and services that help children. We firmly believe that for a child to have the best chance of survival, they have a right to:

- \*a healthy start in life
- \*and to consistently have their basic needs met within their family setting.

To that end, a significant portion of our efforts is focused on Aid to Families with Dependent Children (AFDC) and prenatal care as a front line approach. Consequently, we strongly recommend adoption of the Medicaid option that would expand eligibility to pregnant women and children up to age 2 who have incomes up to 100% of the poverty line.

Basis for adopting this option

The poverty rate between 1979 and 1985 in Kansas has increased by 5.5% giving us the distinction of having the 7th highest rate of increase in poverty. Current AFDC levels are around half of the federal poverty level. Consequently, that means many poor uninsured women and children go without health care coverage and pregnant women receive inadequate prenatal care.

The result of inadequate prenatal care translates into costly consequences. In 1985, 6,000 of 40,000 births in Kansas or 15% occurred without adequate prenatal care. With this current rate of progress, Kansas will NOT meet the Surgeon General's goal of providing early prenatal care to 90% of pregnant women.



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Testimony before House Appropriations Committee  
HB 2889 An Act concerning medical assistance relating to the  
medicaid program for maternity and infant care  
By Melissa Ness, M.S.W., J.D.  
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### Advantages of this program option

This option is expected by Congress to save public health care dollars by reducing the use of neonatal intensive care for newborns costing SRS approximately \$15,000 per baby in 1985. Additionally, other remedial health care costs and state institutionalizations could be avoided as a result of inadequate prenatal care. Additionally:

- \*the federal government will pay for over half of this program.
- \*extending coverage could have a significant effect on indigent health care costs.

### Support for this option

Support for this option is broad based. In 1986, 1987 and 1988, Congress passed and the president signed this legislation allowing this option. This sends a strong signal that not only is there a willingness to increase access to medical services, but also that targeting this population takes precedent over other programs. This, of course, is due to its tremendous savings in lives and dollars. For the same reason, the Surgeon General of the United States has made it a goal to have 90% of all women and children, regardless of income, receiving prenatal care by 1990.

In addition to members of the Children's Coalition, the Kansas Hospital Association, Kansas Chapter of American Academy of Pediatrics and Association of Retarded Citizens supports this option.

Finally, we encourage you not to end this session with the distinction of being one of only twenty-three states that have not adopted this option in some form.

## CHILDREN'S COALITION MEMBER ORGANIZATIONS

Association of Community Mental  
Health Centers of Kansas  
835 SW Topeka, Suite B  
Topeka, Kansas 66612

Catholic Social Service  
229 S. 8th Street  
Kansas City, Kansas 66101

Community Service Center  
PO Box 2788  
Kansas City, Kansas 66110

Greater Kansas City Association for  
the Education of Young Children  
7446 Flint, #113  
Shawnee, KS 66203

Junior League of Topeka  
2709 SW 29th Street  
Topeka, KS 66614

Kansas Action for Children  
PO Box 463  
Topeka, KS 66601

Kansas Association for the Education  
of Young Children  
PO Box 2788  
Kansas City, KS 66110

Kansas Association of Child Care Workers  
PO Box 1695  
Topeka, KS 66601

Kansas Association of Licensed  
Private Child Care Agencies  
PO Box 647  
Lawrence, KS 66044

Kansas Association of School Psychologists  
c/o Mark Erickson  
RR #1  
Rossville, KS 66533

Kansas Chapter-American Academy  
of Pediatrics  
c/o Dr. Ben Rubin, Chair  
132 S. 17th Street  
Kansas City, Kansas 66102

Kansas Children's Service League  
PO Box 5314  
Topeka, KS 66605

Kansas Committee for the Prevention  
of Child Abuse  
112 W. 6th, Suite 305  
Topeka, KS 66603

Kansas Council on Crime and Delinquency  
3324 SW Front Street  
Topeka, KS 66606

Kansas Kids  
Box 8  
Ottawa, KS 66067

Kansas-National Education Association  
715 W. 10th Street  
Topeka, KS 66612

Kansas-National Organization for Women  
1645 N. Oliver  
Wichita, KS 67208

Kansas State Nurses' Association  
820 Quincy  
Topeka, KS 66612

Kansas Trial Lawyers Association  
112 West 6th Street  
Topeka, KS 66603

League of Women Voters of Kansas  
919½ Kansas Avenue  
Topeka, KS 66612

March of Dimes Birth Defects Foundation  
2701 SW 29th Street  
Topeka, KS 66614

Martin Luther King Urban Center  
1418 Garfield  
Kansas City, Kansas 66104

Mental Health Association in Shawnee County  
1205 SW Harrison  
Topeka, KS 66601

Public Assistance Coalition of Kansas  
PO Box 2815  
Topeka, KS

Therapeutic Foster Care  
Catholic Social Service  
306 Van Buren  
Topeka, KS 66603

The Villages  
PO Box 1695  
Topeka, KS 66601



## LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT

336 Missouri, Suite 201  
Lawrence, Kansas 66044-1389  
913-843-0721

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS COMMITTEE IN SUPPORT OF HOUSE BILL NO 2889

MARCH 23, 1988

Presented by: Nancy Jorn  
Maternal-Infant Program Coordinator  
Lawrence-Douglas County Health Department

I appreciate the opportunity to testify on behalf of House Bill No. 2889

### Who would be served?

Families working at low wage and without employer provided medical insurance who cannot afford to buy their own medical insurance, yet cannot afford out of pocket costs associated with pregnancy (about \$3,000 - \$4,000 for normal labor and delivery without complications).

### Why is this important?

- These families tend to economize by not getting prenatal care, but long term costs to themselves and government can be great.
- Overwhelming evidence indicates that prenatal care significantly reduces the incidence of low birthweight babies.

"It will cost an average of \$7,000 to save a baby weighing 2 pounds. The cost can be as high as \$70,000. Lifetime care will cost \$1,000,000." KDHE 12/86.

"Every additional dollar spent for prenatal care within (high risk) target group would save \$3.38 in the total cost of caring for low birth weight infants requiring expensive medical care." 1985 Institute of Medicine study on "Preventing Low Birthweight."

### How would Medicaid and Maternal Infant Programs interrelate if this bill were enacted?

- House Bill No. 2889 would make prenatal and delivery medical care consistently available to low income women across the state through the Medicaid system.

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- The Maternal-Infant Programs through KDHE would compliment the SRS Medicaid program by providing pregnant women and their families with the range of health education and social services which has been the primary purpose of the Maternal-Infant Programs from their inception. This includes:

Outreach to encourage early prenatal care.

Health and nutrition risk assessment and related education.

Referrals to appropriate community services and assistance in following through on those referrals for housing, medical care, counselling, emergency food etc.

Follow up for one year postpartum for parenting education; encouraging well child care and family planning.

- In summary, under this bill Medicaid would finance the woman's obstetrical care and Maternal-Infant Programs would provide the range of education and support services needed to help these high risk pregnant women to obtain optimal pregnancy outcome.

THANK YOU

Testimony before House Appropriation Committee  
on House Bill 2889. Expanded Medicaid Coverage  
for Pregnant Women and Children

This bill would alter the current Medicaid eligibility system by exempting pregnant women and certain children from the spenddown system. Spenddown is simply a sliding scale deductible. Unlike the deductible amount on traditional insurance it is based upon the family's income. Also, this deductible amount is established semi-annually as opposed to the annual deductible present in most insurance policies.

The point at which family members are required to pay this sliding scale deductible is as follows:

<u>Family Size</u>	<u>Monthly Income Standard</u>	<u>Semi-Annual Income Standard</u>
2	460	2760
3	465	2790
4	470	2820

If a family has an income above the standard for their family size, after deducting for work expenses, and day care, all such marginal income must go toward the deductible. For example, if a family of two (unborns are included in determining family size) has semi-annual net income of \$3760, the family must collectively incur \$1000 in medical expenses during this six month period before they would receive Medicaid cards. Medicaid would pay for any subsequent covered medical expenses for the remainder of the six-month period. If a family's income is below this standard, there is no deductible and family members receive a Medicaid card for the entire six month period.

House Bill 2889 would increase the medical income standards for pregnant women and young children and consequently eliminate the semi-annual deductible for many. For these individuals the normal deductible would be waived if their family's income was below the Federal Poverty Level. These figures are presently:

<u>Family of:</u>	<u>Monthly Federal Poverty Level</u>	<u>Semi-Annual Poverty Level</u>
2	644	3864
3	808	4848
4	971	5826

Simply stated, the impact of this bill would be to entirely waive the deductible on young children and pregnant women who live at or below this standard of living. Those whose incomes are very near our current Medicaid standards would save just a few dollars. Those families who are near the federal poverty level could save many hundreds of dollars in each semi-annual period.

The belief is that these high deductibles keep pregnant women from obtaining early prenatal care as well as pediatric care for their infants and young children. The Department does not doubt that this is true. Given that this

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concept has an approximate 4 million dollar annual cost, nearly 2 million of which is state funds, it was felt that it was simply unaffordable for FY 1989. This issue was given full consideration in the development of the Governor's FY 89 budget proposal. It was determined that maintenance of existing medical coverage for all poor people, and enhancements in a few select areas of the Medicaid budget must take priority, at least in FY 89. This issue will continue to be given serious consideration in future budget years.

John A. Schneider  
Division of Income Maintenance  
and Medical Services  
State Department of Social  
and Rehabilitation Services

913-296-6750

March 23, 1988

TESTIMONY  
SALARY PROPOSAL

KANSAS  
DISTRICT MAGISTRATE  
JUDGES ASSOCIATION

JUDGE  
LEONARD A. MASTRONI  
PRESIDENT

MARCH 1988

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Attachment 7

I'm Judge Leonard Mastroni, "Judge of the District Court", representing the Kansas District Magistrate Judges Association throughout the State. The District Magistrates number seventy judges and make-up approximately one-third of the judges of the District Court. The judges association is asking the legislature to include the District Magistrate Judge and to support the proposed salary increase for the Kansas judiciary. As part of this salary proposal, I would present the role of the District Magistrate as an intricate part of the Kansas court system. I would also compare it to three other states, Wyoming, Idaho, and Colorado in jurisdiction and salary.

The District Magistrate is the limited jurisdiction judge of the District Court and presides mainly in the rural areas, except by Supreme Court assignments. When speaking of limited jurisdiction, it is found to be a broad limited jurisdiction, which includes; misdemeanor crimes (jury or bench trials), felony crimes (up to the preliminary hearing stage), civil actions (up to \$5,000), traffic trials, small claims cases, mental health and alcohol hearings, probate hearings, guardian and conservator hearings, juvenile hearings (Children in Need of Care and Juvenile Offenders), as well as other matters when a District Judge is not available, for example, temporary divorce orders. Also, in the past three years, our jurisdiction has expanded to accommodate new legislative matters, such as child support enforcement and domestic



relations. The district magistrate according to the National Judicial College at the University of Nevada in Reno finds the District Magistrate in Kansas has the broadest limited jurisdiction of any limited jurisdiction judge in the nation. Moreover, the judge serves the broadest geographical area of any limited jurisdiction judge through its in-district and out-of-district assignments. By in-district assignments, the District Magistrate travels from their resident county into a larger county within the district on a regular basis, usually weekly, to handle cases assigned to him by the Administrative Judge. For example, in the 20th Judicial District, Judge Rohleder, assigns each District Magistrate for the other counties in his district to come into Barton County (Great Bend) once or twice a week to hear assigned cases. One judge may come in to hear the juvenile docket one day, another judge may hear the traffic docket on another day and so on. This procedure fills up the entire week with an extra judge. The main benefits of this in-district assignment allows more time to schedule jury trials and other time consuming cases, it also is effective in controlling case load delay which in part, is why the Kansas Judiciary is known across the nation to be a model State in reducing case load problems.

The out-of-district assignments are made by a Supreme Court Justice to a District Magistrate which requires that Judge to travel outside his home District. I have personally

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been assigned to Sedgwick County District Court for the past year and one half ending this past December. The assignment was to the Juvenile Division for approximately one week per month. During each week long assignment, anywhere from 80-90 cases would be heard. Coupled with the other District Magistrates assigned to this same division throughout the month, a void was filled and delay was prevented in that court. Here in Topeka, an out-of-district assignment is utilized by a District Magistrate coming in to hear traffic cases. Judge Carpenter, the Administrative Judge for Shawnee County, is present and has agreed to answer any questions the committee may have in regard to this assignment from the Administrative Judges viewpoint. I would reflect, the benefit received, is allowing more time to schedule time consuming cases and reduce delay as an effective part of case load management.

Currently, the Kansas District Magistrate Judge has an annual salary of \$27,316.00 with the above described jurisdiction and responsibilities. Wyoming, Idaho and Colorado all have Magistrate/County Judges, however, all three of these State Judges are lack in jurisdiction to the Kansas District Magistrate and serve only one county. In Wyoming, for example, the Justice of the Peace whose jurisdiction is traffic and small claims only, has an annual salary of \$32,000.00. The Wyoming County Judge, who has a similar jurisdiction to the Kansas District Magistrate, except is only responsible for one

county, is compensated \$46,000 annually. In Idaho the Magistrate Judge is responsible for one county and has a similar jurisdiction, but still is limited compared to the Kansas District Magistrate. The jurisdiction the Idaho judge does not have compared to the Kansas District Magistrate is in areas of: search and seizure, temporary divorce orders, child support, protection from abuse, estates, adoptions and guardian/conservator matters. However, the Idaho magistrate is paid \$35,500 presently and will receive an additional salary increase of 5% this year and another 5% the following year making an annual salary of \$39,139 at the end of this period. In Colorado, a recent advertisement for the part-time county judge position in Prower County (Lamar) advertised the part-time judgeship for \$39,000 effective July 1, 1988.

#### Special Issues

The judges association would like to further address the committee about several issues that were raised in the subcommittee hearing in regards to the District Magistrate Judge. The first concern centered around the District Magistrate Judge possessing only a high school education. The judges association responded to this concern by conducting a survey in regard to issues relative to a high school education.

The information supplied comes in the form of; the average years of the judges on the bench, the average age of the judges, the average level of formal education, and the percentage of judges receiving training from the National Judicial College, as well as, training through the judiciaries semi-annual educational conference and regional training programs.

Out of the 70 judges, 65 responded to the associations survey, calculating 92.8%.

The years on the bench averaged 10.5, which included 77.0% of the judges with five years or more of experience and several judges reaching 26-27 years of service.

The average age of the judges was found to be 48.8 years. The youngest judge was 32 and the oldest was 67 years.

The years of formal education was 15.2, including 80.0% of the judges beyond a high school education with 24 years of education at the highest level.

Out-of-state education through the National Judicial College reached 83% of the judges. The majority of judges received a two to three week basic training course, as well as other specialized training.

In-state training has been calculated over a four year period from 1984 through 1987, inclusive. The year 1984 found 91% of all judges attended at least one educational session with each judge averaging 29.74 hours. The 1985 statistics

found 97% of the judges attended at least one educational session, with each judge averaging 31.46 hours. In 1986, 98% of the judges attended at least one educational session, with each judge averaging 32.5 hours. The last year, 1987, found 100% of all judges attended at least one educational session, with each judge averaging 20.7 hours (the average hour per judge is down this year because of budgetary cuts affecting educational programs).

The second concern was the District Magistrate had a salary increase three years ago. This base salary increase, however, was legislated because of the dramatic increase in jurisdiction for the judge in the child support enforcement and domestic relations areas. In the exhibit marked "Increased Jurisdiction" on page #4, these statutes are documented and spelled out so you can readily view these additional duties that were imposed by the 1985 legislative session. Furthermore, what is not shown in this exhibit is an increase in small claims jurisdiction from \$500.00 to \$1,000.00.

In closing my formal remarks, I feel I probably share the same view as most of the District Magistrate Judges, that is, we all value education and feel the importance of this tool, however, we also feel salary should be based on a "job well done" and not on a qualification.

## COMPARISON JURISDICTION/SALARIES

State Title	JURISDICTION																	SALARY		RETIREMENT		TRAINING		SELEC- TION	EDUCATION REQUIREMENTS				
	Traffic		Civil			Juvenile		Criminal				Domestic			Probate					How Much	Actual	Public Employees	Judges	Mandate	Hours	Selection	None	H.S. Graduate	More
	Regular	D.U.I.	Limited	Small Claims	Fish & Game	Offender	Child in need of Care	Misde- meaner	Prelimi- nary	Jury	Search & Seizure	Temporary Orders	Child Support	Protect from abuse	Estates	Adoptions	Care and treatment	Guardian and conservator	Who Sets & How										
WASHINGTON District Court Judge	X	X	to \$3000	to \$500				X \$500/ 6 mos	X	X									\$71000	Most are part- time					Ret./ Bi-part.				
COLORADO County Judge	X	X	to \$5000	to \$2000				X	X									Legis. # of Cases	up to 80% of Adm. Jge.	\$44000	X		X	45 Hrs in 3 yrs	Ret.		X		
IDAHO Magistrate #1	X	X	to \$2000	X	X	X	X	X	X	X							X	Legis. Cases & Tenure	4 levels	Max. \$35500 **1	X		X	Once per yr	Ret.		X		
ARIZONA Justice of the Peace	X	X	to \$2500	to \$500	X	Discretion of Adm. Judge	X	X \$1000/ 6 mos	X					Discretion of Adm. Judge				Legis. Point of System	80% of Super. Ct. Jge.	\$32500			X	16hrs/ year	Bi- part.				
WYOMING Justice of the Peace	X	X		to \$750				X	X	X								Co. Comm. # of cases		\$32000	X		X		Non- part.	X			
NEW MEXICO Magistrate	X	X	to \$2000					X \$1000/ 1 yr	X	X								Legis. Statute		\$29688 *2		X	X	15hrs/ year	Bi- part.		X		
KANSAS District Magistrate Judge	X	X	to \$5000	to \$1000	X	X	X	X \$2500/ 1 yr	X	X	X	X	X	Disc. Adm. Judge X	X	X	X	X	Legis. Statute	\$21146	\$27315	X		X	12hr/ year 40/3yr	Ret. or Bi- part.		X	
NEBRASKA *3 Clerk/Magistrate	X									X	X						X	Legis. P.E. Step- system		\$22100	X				Appt.		X		
IOWA Magistrate	X	Prelim. Matters	to \$2000		X	Off. involve liquor.	Protect. Custody	X \$100/ 30 days	X	X	X								Legis.	33% of Co. Jge. *4	\$13500	X		X	Once a year	Appt.			
MISSOURI	NONE COMPARABLE/ MUNICIPAL LEVEL ONLY																												

\*1 Not all judges have listed jurisdiction. Determined by training.  
 \*\*1 Will receive 5% raise this year and additional 5% next year. Maximum will be \$39,139.  
 \*2 Will receive 5% raise this year. Salary will be \$31,172.  
 \*3 Uncontested matters only. All jurisdiction is at the discretion of County Judge.  
 \*4 All Magistrates are part-time.



## SALARY COMPARISON

YEAR	DISTRICT JUDGE	ASSOCIATE DISTRICT JUDGE	DISTRICT MAGISTRATE JUDGE
1976	\$27,500		
1977	\$30,500	\$22,000 Supplemented by County not to exceed 95% of the District Judge's salary	An amount equal to that of prior probate judge payable from county general fund
1978	C.O.L.A.	"	"
1979	\$32,625 (1-1-79)	\$30,500 (1-1-79) Could be supplemented by County up to \$1500	\$14,000 (1-1-79) No supplement from County General Fund
1980	\$34,750 (1-1-80)	\$32,667 (1-1-80) Could be supplemented for a total of \$1,000 by county	\$14,560 (5-18-79)
1981	\$36,875 (1-1-81) \$37,500 (7-1-81) Administrative judge \$39,000	\$34,834 (1-1-81) \$35,000 (7-1-81) Could be supplemented by county up to \$500.00	\$17,000 (7-1-81)
1982	\$39,000 (1-1-82) \$44,000(7-1-82) Administrative Judge \$44,500	\$37,000 (1-1-82) \$42,000 (7-1-82) If Administrative Judge \$42,500	\$19,000 (7-1-82)
1983	C.O.L.A.	"	"
1984	C.O.L.A.	"	"
1985	C.O.L.A.	"	\$26,000 (7-1-85) Raised from base salary of \$21,146
1986	C.O.L.A.	"	"
1987	C.O.L.A. Current salary \$55,872 Administrative judge \$56,508	" Same as District Judge	" Current salary \$27,316

COMPARISON  
OF NON JUDICIAL  
EMPLOYEES SALARIES

POSITION	# of POSITIONS	RANGE	STEP	SALARY
Chief Clerk	eight	23	A	\$23,304
" "	four	23	1	\$23,892
" "	one	23	2	\$25,092
" "	one	23	3	\$26,340
KANSAS DISTRICT MAGISTRATE JUDGE				\$27,316
Chief Clerk	three	23	D3	\$27,660
" "	one	23	D9	\$29,028
Court Administrator (rural areas only)				
" "	one	27	1	\$29,028
" "	two	27	B	\$29,748
" "	one	27	2	\$30,492
" "	two	27	C	\$31,224
" "	two	27	D	\$32,796

# District Court of Kansas

24th Judicial District

Rush County Courthouse — La Crosse, Kansas 67548

February 12, 1988

Edward A. Mastroni  
Judge of the District Court

Phone 913-222-3417  
Box 387

Pete McGill and Associates  
Mr. Pete McGill  
400 S.W. 8th  
Topeka, Kansas

Dear Mr. McGill;

The Kansas District Magistrate Judges Association has compiled information in regards to each Kansas District Magistrate Judge. As you know, this information was gathered at the request of the House Appropriations Subcommittee for the proposed judicial salary increase for judges. The information supplied comes in the form of; the average years of the judges on the bench, the average age of the judges, the average level of formal education, and the percentage of judges receiving training from the National Judicial College, as well as, training through the judiciary's semiannual educational conferences and regional training program.

The Kansas District Magistrate Judges total 70 judgeships. Out of the 70 judgeships 65 responded to the association's survey, calculating 92.8%.

The years on the bench averaged 10.5, which included 77.0% of the judges with five years or more experience and several judges reaching 26-27 years of service.

The average age of the judges was found to be 48.8 years. The youngest judge was 32 and the oldest was 67 years.

The years of formal education was 15.2, including, 80.0% of the judges beyond a high school education with 24 years of education at the highest level.

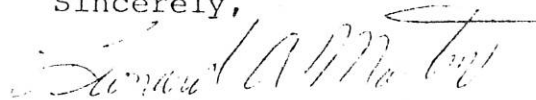
Out-of-state education through the National Judicial College reached 83% of the judges. The majority of judges received a two-three week basic training course, as well as other specialized training.

In-state training has been calculated over a four year period from 1984 thru 1987, inclusive. The year 1984 found 91% of all judges attended, at least, one educational session with each judge averaging 29.74 hours. The 1985 statistics found 97% of the judges attended, at least, one educational session, with each judge averaging 31.46 hours. In 1986 98% of the judges attended, at least, one educational session, with each judge averaging 32.5 hours. The last year, 1987, found 100% of all judges attended, at least, one educational session, with each judge averaging 20.7 hour (the average hour per judge is down this year because of several new judges appointed later in the year).

As the lobbyist for the judges associations I would request that you furnish copies of this letter to the House Appropriations Subcommittee, as well as, any other legislative member you deem timely, for their consideration.

If any additional information is needed or any of the above information needs clarification please do not hesitate to contact my office.

Sincerely,



Leonard A. Mastroni  
Kansas District Magistrate  
Judges Association Inc.  
President

**ASSIGNMENT OF DISTRICT COURT JUDGES**  
(Cases heard outside of home district on assignment from Supreme Court)

JUDICIAL DEPARTMENT 1

Special Assignments		Number of Cases
Date of Order		
08-15-86	** Hon. Steve Kaminski to Marshall County	4
09-03-86	Hon. John Weckel to Geary County	1
09-08-86	Hon. Charles E. Worden to Ellis County	2
09-16-86	Hon. Richard W. Wahl to Ellsworth County	1
09-17-86	Hon. Jack L. Burr to Finney County	2
09-29-86	Hon. Charles E. Worden to Ellis County	2
10-10-86	Hon. Tom Scott to Ellsworth County	1
10-20-86	Hon. Daniel L. Hebert to Barton County	1
02-06-87	Hon. Charles E. Worden to Barton County	1
02-20-87	Hon. Richard W. Wahl to Riley County	1
02-26-87	Hon. Jack L. Burr to Finney County	1
03-27-87	Hon. Daniel L. Hebert to Barton County	1
04-24-87	Hon. Tom Scott to Barton County	1
05-15-87	Hon. Tom Scott to Republic County	1
06-16-87	** Hon. William E. Thompson to Dickinson County	1
06-16-87	Hon. Charles E. Worden to Dickinson County	1
06-19-87	** Hon. Steve Kaminski to Dickinson County	1

General Assignments		Number of Days
Date of Order		
07-01-86	** Hon. Ardith Von Fange to Pratt County	2
07-01-86	** Hon. Anthony J. Haffner to Shawnee County	*
07-01-86	** Hon. Lawrence Litson to Shawnee County	*
07-01-86	** Hon. Bonnie J. Wilson to Shawnee County	*
07-07-86	** Hon. Frederick J. Hammers to Reno County	5
07-14-86	Hon. Jack L. Burr to Seward County	5
07-22-86	** Hon. O. Walter Keever to Pratt County	3
07-23-86	** Hon. John E. Bremer to Johnson County	1
07-24-86	** Hon. John E. Bremer to Johnson County	2
07-28-86	** Hon. Dorothy R. Reinert to 5th Judicial District	5
07-31-86	** Hon. William E. Thompson to Johnson County	4
08-04-86	** Hon. Steve Kaminski to Reno County	5
09-03-86	Hon. Charles E. Worden to 20th Judicial District	3
09-09-86	** Hon. Logan Dobbs to Douglas County	3
09-11-86	** Hon. Ardith Von Fange to 5th Judicial District	2
09-18-86	** Hon. Patricia C. Schremmer to Johnson County	2
11-11-86	** Hon. Wilda June Brown to Douglas County	3
11-13-86	** Hon. O. Walter Keever to Dickinson County	2

cont'd

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge

General Assignments cont'd

11-13-86	**	Hon. William E. Thompson to Johnson County	2
11-14-86	**	Hon. Adrian A. Lapka to Riley County	3
11-21-86	**	Hon. Ardith Von Fange to Riley County	2
01-15-87	**	Hon. O. Walter Keever to Lyon County	2
01-16-87	**	Hon. Steve Kaminski to Riley County	3
01-20-87	**	Hon. Adrian A. Lapka to Dickinson County	*
01-30-87	**	Hon. Patricia C. Schremmer to Barton County	1
03-10-87	**	Hon. William E. Thompson to Douglas County	3
04-06-87	**	Hon. Ardith Von Fange to Dickinson County	4
04-20-87	**	Hon. William E. Thompson to Dickinson County	2
05-05-87	**	Hon. Steve Kaminski to Dickinson County	6
05-12-87	**	Hon. O. Walter Keever to Douglas County	3
05-29-87	**	Hon. Adrian A. Lapka to Dickinson County	1
06-02-87	**	Hon. Nancy M. Conyac to Dickinson & Geary Counties	3
06-09-87	**	Hon. John E. Bremer to Dickinson & Geary Counties	3

Assignments of Retired Judges

Date of  
Order

No assignments of retired judges for FY 87.

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JUDICIAL DEPARTMENT 2

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Special Assignments

Date of  
Order

Number  
of Cases

07-14-86	Hon. Paul E. Miller to Brown County	1
07-14-86	Hon. Gary L. Nafziger to Brown County	1
07-29-86	Hon. E. Newton Vickers to Osage County	1
07-30-86	Hon. William D. Clement to Russell County	1
08-27-86	Hon. James M. Macnish, Jr., to Nemaha County	1
08-29-86	Hon. Jerry L. Mershon to Pottawatomie County	1
09-05-86	Hon. James M. Macnish, Jr. to Nemaha County	1
09-16-86	Hon. Terry L. Bullock to Wyandotte County	1
09-17-86	Hon. Gary L. Nafziger to Shawnee County	1
10-24-86	Hon. James P. Buchele to Riley County	1
11-12-86	Hon. William D. Clement to Washington County	1
03-05-87	Hon. James P. Buchele to Jefferson County	1
03-27-87	Hon. E. Newton Vickers to Osage County	1
04-23-87	Hon. Jerry L. Mershon to Republic County	1
05-19-87	Hon. George F. Scott to Riley County	1
05-21-87	Hon. Gary L. Nafziger to Douglas County	1
06-08-87	Hon. William D. Clement to Shawnee County	1
06-25-87	Hon. Gary L. Nafziger to Nemaha County	1
06-25-87	Hon. William Randolph Carpenter to Chase County	1

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge



## General Assignments

Date of Order		Number of Days
07-10-86	** Hon. Larry Hylton to Lyon County	2
08-11-86	** Hon. Dennis Lee Reiling to Reno County	5
08-14-86	** Hon. Verle L. Swenson to Lyon County	2
09-16-86	** Hon. Larry Hylton to Cowley County	1
10-02-86	** Hon. Verle L. Swenson to 5th Judicial District	4
12-02-86	** Hon. Dennis Lee Reiling to Douglas County	*
04-08-87	** Hon. Verle L. Swenson to Lyon County	3
05-18-87	** Hon. Ruth T. Browne to Geary County	1

## Assignments of Retired Judges

Date of Order	
07-10-86	Hon. Lewis L. McLaughlin to 8th Judicial District
08-06-86	Hon. Lewis L. McLaughlin to Geary County
08-18-86	Hon. Morris V. Hoobler to Shawnee County
08-29-86	Hon. Morris V. Hoobler to Shawnee County
10-10-86	Hon. Morris V. Hoobler to Shawnee County
10-20-86	Hon. Floyd Coffman to Shawnee County
10-20-86	Hon. Morris V. Hoobler to Shawnee County
10-20-86	Hon. Frederick Wolesslagel to Shawnee County
11-14-86	Hon. John W. Brookens to Pottawatomie County
05-26-87	Hon. John W. Brookens to Geary County
06-01-87	Hon. Morris V. Hoobler to Shawnee County

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 JUDICIAL DEPARTMENT 3
 

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## Special Assignments

Date of Order		Number of Cases
07-14-86	Hon. David J. King to Brown County	1
07-28-86	Hon. Robert L. Gernon to Leavenworth County	1
10-10-86	Hon. Philip L. Sieve to Shawnee County	1
11-21-86	Hon. Michael J. Malone to Riley County	1
01-15-87	Hon. James J. Smith to Lyon County	1
02-27-87	Hon. James J. Smith to Doniphan County	1
04-07-87	Hon. Ralph M. King, Jr., to Shawnee County	3
04-28-87	Hon. Michael J. Malone to Atchison County	3
05-11-87	Hon. Ralph M. King, Jr. to Shawnee County	1
05-28-87	Hon. Keith Sprouse to Geary County	1
06-02-87	Hon. William M. Cook to Leavenworth County	3
06-03-87	Hon. James W. Paddock to Shawnee County	1

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge

**General Assignments**

Date of Order			Number of Days
09-01-86	**	Hon. Bruce L. Ungerer to Douglas County	*
10-07-86	**	Hon. Phillip M. Fromme to Cowley County	1
11-06-86	**	Hon. Phillip M. Fromme to Montgomery County	2
02-24-87	**	Hon. Phillip M. Fromme to Montgomery County	1
04-16-87		Hon. Frederick N. Stewart to Shawnee County	4
04-20-87		Hon. Jules V. Doty to Shawnee County	2
04-21-87		Hon. James J. Smith to Lyon County	1
05-05-87	**	Hon. Bruce L. Ungerer to Douglas County	1
05-28-87	**	Hon. Phillip M. Fromme to Montgomery County	1

**Assignments of Retired Judges**

Date of Order		
07-23-86		Hon. O. Q. Claflin III to Wyandotte County
02-14-87		Hon. O. Q. Claflin III to Wyandotte County
04-14-87		Hon. Harry G. Miller to Wyandotte County

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**JUDICIAL DEPARTMENT 4**


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**Special Assignments**

Date of Order			Number of Cases
07-14-86		Hon. Richard A. Medley to Geary County	1
07-28-86		Hon. Leighton A. Fossey to Neosho County	1
10-20-86		Hon. C. Fred Lorentz to Lyon County	1
10-30-86		Hon. Richard L. Ashley to Labette County	1
01-08-87		Hon. David F. Brewster to Montgomery County	1
01-21-87		Hon. C. Fred Lorentz to Sedgwick County	1
02-04-87		Hon. Larry McClain to Wyandotte County	1
02-12-87		Hon. James J. Smith to Brown County	8
03-06-87		Hon. Daniel L. Brewster to Montgomery County	1
04-21-87		Hon. Stephen D. Hill to Shawnee County	1
05-27-87	**	Hon. Ronald Lee Call to Cowley County	1
06-29-87		Hon. David L. Thompson to Cowley County	2

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge

## General Assignments

Date of Order		Number of Days
07-11-86	** Hon. Gene Shay to Barton County	1
08-07-86	** Hon. Samuel I. Mason to Johnson County	2
09-04-86	** Hon. Samuel I. Mason to Johnson County	4
09-09-86	** Hon. Ronald Lee Call to Cowley County	2
09-16-86	** Hon. Wayne L. Jones to Cowley County	3
09-23-86	** Hon. B. J. LaTurner to Cowley County	1
10-30-86	** Hon. B. J. LaTurner to Johnson County	2
11-04-86	** Hon. B. J. LaTurner to Montgomery County	1
11-20-86	** Hon. Samuel I. Mason to Montgomery County	4
01-08-87	** Hon. Samuel I. Mason to Johnson County	12
01-20-87	** Hon. B. J. LaTurner to Montgomery County	2
01-22-87	** Hon. Samuel I. Mason to Montgomery County	1
02-02-87	Hon. John W. White to 21st Judicial District	*
04-01-87	Hon. Charles J. Sell to Coffey County	2
06-02-87	** Hon. Ronald Lee Call to Montgomery County	1
06-04-87	** Hon. B. J. LaTurner to Montgomery County	1
06-25-87	** Hon. B. J. LaTurner to Johnson County	2

## Assignments of Retired Judges

Date of Order

No assignments of retired judges for FY 87.

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 JUDICIAL DEPARTMENT 5
 

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## Special Assignments

Date of Order

Number of Cases

07-28-86	Hon. Thomas H. Graber to Sedgwick County	1
08-12-86	Hon. Robert L. Bishop to Montgomery County	1
08-12-86	Hon. John E. Sanders to Montgomery County	1
09-12-86	Hon. Robert J. Schmisser to Cowley County	1
09-17-86	Hon. Page W. Benson to Sedgwick County	1
09-17-86	Hon. M. Kay Royse to Butler County	1
09-17-86	Hon. M. Kay Royse to Butler County	1
09-17-86	Hon. M. Kay Royse to Butler County	1
09-17-86	Hon. Robert D. Watson to Butler County	1
10-01-86	Hon. Robert J. Schmisser to Sedgwick County	1
10-06-86	Hon. Ron Rogg to Sumner County	1
10-08-86	Hon. Clarence E. Renner to Cowley County	1
10-17-86	Hon. Robert J. Schmisser to Barton County	1

cont'd

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge

7-17

Special Assignments cont'd

11-07-86	Hon. Richard B. Walker to Sedgwick County	1
11-12-86	Hon. John E. Sanders to Sedgwick County	1
11-19-86	Hon. Robert J. Schmisser to Sedgwick County	1
11-26-86	Hon. George E. Sybrant to Sedgwick County	1
01-13-87	Hon. Carl B. Anderson, Jr. to Reno County	1
01-21-87	Hon. David S. Lord to Montgomery County	1
02-02-87	Hon. John E. Sanders to Montgomery County	1
02-09-87	Hon. Nicholas W. Klein to Pratt County	1
03-06-87	Hon. Richard B. Walker to Sedgwick County	1
04-17-87	Hon. James G. Beasley to Sumner County	1
05-11-87	Hon. Page W. Benson to Chase County	1
05-07-87	Hon. William J. Dick to Osage County	1
05-11-87	Hon. Thomas H. Graber to Sedgwick County	1
05-14-87	Hon. Richard B. Walker to Sedgwick County	1
05-18-87	Hon. Robert J. Schmisser to Edwards County	1
06-16-87	Hon. Robert C. Helsel to Cowley County	1

General Assignments

Date of Order		Number of Days
07-01-86	** Hon. William C. Johnson to Sedgwick County	*
09-02-86	Hon. John E. Sanders to Montgomery County	1
09-12-86	** Hon. Gene Shay to Cowley County	4
12-04-86	** Hon. William C. Johnson to Montgomery County	1
01-13-87	Hon. John E. Sanders to Montgomery County	2
02-26-87	Hon. George E. Sybrant to Montgomery County	1
03-03-87	** Hon. William C. Johnson to Montgomery County	2
06-02-87	** Hon. Francis D. Towle to Douglas County	1
06-18-87	** Hon. William C. Johnson to Montgomery County	2

Assignments of Retired Judges

Date of Order	
07-01-86	Hon. B. Mack Bryant to Sedgwick County
07-01-86	Hon. James J. Noone to Sedgwick County
09-18-86	Hon. Lewis L. McLaughlin to 5th Judicial District
10-08-86	Hon. Frederick Woelzel to Sedgwick County
10-28-86	Hon. Lewis L. McLaughlin to Lyon County
12-08-86	Hon. Lewis L. McLaughlin to Lyon County
01-02-87	Hon. B. Mack Bryant to Sedgwick County
01-02-87	Hon. James J. Noone to Sedgwick County

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge

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 JUDICIAL DEPARTMENT 6
 

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Special Assignments		Number of Cases
Date of Order		
07-15-86	Hon. Jay Don Reynolds to Edwards County	2
07-18-86	Hon. Jay Don Reynolds to Hodgeman County	1
07-29-86	Hon. Steven R. Becker to Stafford County	1
08-06-86	Hon. Jay Don Reynolds to Edwards County	2
08-08-86	Hon. Barry A. Bennington to Graham County	1
08-08-86	Hon. Kim D. Ramey to Finney County	1
10-06-86	Hon. Keaton G. Duckworth to Kearny County	1
02-26-87	Hon. Don C. Smith to Stafford County	1
04-01-87	Hon. Jay Don Reynolds to Edwards County	2
04-07-87	Hon. Don C. Smith to Finney County	1
06-02-87	Hon. Porter K. Brown to Pratt County	1
06-18-87	Hon. Barry A. Bennington to Sherman County	1

General Assignments		Number of Days
Date of Order		
07-01-86	Hon. J. Stephen Nyswonger to 24th Judicial District	*
07-01-86	Hon. C. Phillip Aldrich to 25th Judicial District	*
07-01-86	** Hon. J. Russell Jennings to Shawnee County	*
07-01-86	** Hon. Philip T. Kyle to Shawnee County	*
07-01-86	** Hon. Leonard A. Mastroni to Sedgwick County	* (36)
07-01-86	** Hon. John E. Murphy to Sedgwick County	*
07-01-86	** Hon. Pauline Schwarm to Sedgwick County	*
07-01-86	** Hon. Dale L. Urbanek to Sedgwick County	*
07-08-86	** Hon. Herbert L. Noyes to Pratt County	3
07-10-86	** Hon. Roger A. Yost to Johnson County	4
07-15-86	** Hon. Michael A. Freelove to Pratt County	3
07-17-86	** Hon. C. Ann Wilson to Lyon County	2
07-21-86	** Hon. Opal Burdett to 5th Judicial District	5
07-29-86	** Hon. David Buster to Pratt County	3
08-07-86	Hon. Kim D. Ramey to Barton County	2
08-14-86	** Hon. L. E. Mike Murphey to Johnson County	2
08-28-86	** Hon. Vance L. Whittington to Lyon County	2
09-11-86	** Hon. Richard Miller to Johnson County	2
09-25-86	** Hon. Lee Nusser to 5th Judicial District	4
09-25-86	** Hon. Roger A. Yost to Johnson County	4
09-29-86	** Hon. Kim D. Ramey to Johnson County	2
10-15-86	** Hon. L. E. Mike Murphey to Johnson County	3
11-20-86	** Hon. Richard Miller to Johnson County	2
12-04-86	Hon. Herb Rohleder to Geary County	1
12-04-86	** Hon. Vance L. Whittington to Lyon County	2

cont'd

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge

7-69

General Assignments cont'd

12-11-86	**	Hon. L. E. Mike Murphey to Johnson County	2
12-18-86	**	Hon. Roger A. Yost to Johnson County	2
01-13-87	**	Hon. Michael A. Freelove to Douglas County	2
01-19-87	**	Hon. Vance L. Whittington to Shawnee County	5
01-22-87	**	Hon. L. E. Mike Murphey to Johnson County	2
01-29-87	**	Hon. Roger A. Yost to Lyon County	2
02-02-87	**	Hon. Claude S. Heath to Reno County	3
02-11-87	**	Hon. David Buster to Lyon County	3
02-19-87	**	Hon. Roger A. Yost to Johnson County	4
03-11-87	**	Hon. Vance L. Whittington to Lyon County	3
03-19-87	**	Hon. Richard Miller to Johnson County	2
04-29-87	**	Hon. Lee Nusser to Dickinson County	2
05-13-87	**	Hon. Vance L. Whittington to Lyon County	3
05-21-87	**	Hon. Roger A. Yost to Johnson County	4
05-28-87	**	Hon. Richard Miller to Johnson County	4
06-16-87	**	Hon. Michael A. Freelove to Reno County	3
06-17-87	**	Hon. C. Ann Wilson to Lyon County	3

Assignments of Retired Judges

Date of Order	
11-03-86	Hon. James J. Noone to Pawnee County
01-13-87	Hon. L. L. Morgan to 26th Judicial District

\*\*District Magistrate Judge

\*Number of days determined by Administrative Judge



Philip T. Kyle  
P. O. Box 397  
Jetmore, Kansas 67854

February 25, 1988

Honorable Leonard A. Mastroni  
President, Kansas District Magistrate Judges Association  
Rush County Courthouse  
715 Elm Street  
LaCrosse, Kansas 67548

Dear Judge Mastroni:

This is in response to your recent request that I make a review of the manner in which the jurisdiction of the district magistrate judge has been expanded by the legislature in the time since the position of district magistrate judge was originally authorized in 1976.

As you know, the general statute setting forth the jurisdiction, powers and duties of the district magistrate judge is K.S.A. 20-302b. Upon receipt of your request, I examined the legislative history of that particular statute. Over the years, many changes have been made with respect to the jurisdiction of the district magistrate judge. Those changes, with perhaps one minor exception, have not resulted in a decrease in the jurisdiction of the district magistrate judge. On the contrary, most of the changes have increased the jurisdiction of the district magistrate judge.

Appearing below, is my summary of the legislative history of K.S.A. 30-302b.

1976 - HOUSE BILL NO. 2729

In 1976, the legislature of the State of Kansas established the position of district magistrate judge as one of three classes of judges of the district courts. The other two classes of judges of the district courts at that time were district judge and associate district judge.

The 1976 legislation which established the position of district magistrate judge bestowed fairly extensive criminal jurisdiction upon the district magistrate judge. In fact, the district magistrate judge was, at that time, given the "...jurisdiction, power and duty, in any case in which a violation of the laws of the state is charged, to conduct the trial of misdemeanor charges and the preliminary examination of felony charges."

That legislation also provided that, with certain specific areas of limitation, the "...district magistrate judge shall have concurrent jurisdiction, powers and duties with a district judge..." in civil cases. The specific areas in which the district magistrate judge was not given concurrent civil jurisdiction with the district judge at that time are as follows:

1. Any action in which the amount in controversy, exclusive of interest and costs exceeded \$2,000.00. At the same time, the legislature emphasized that the

jurisdictional limit was not to be construed as limiting the power of a district magistrate judge "...to hear any action pursuant to the Kansas probate code." In addition, it was also made clear that in actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property governs the jurisdiction.

2. Actions against any officers of the state, or any subdivisions thereof, for misconduct in office.

3. Actions for specific performance of contracts for real estate.

4. Actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established. Here again, the legislature emphasized that this was not to be construed "...as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code..." nor was it to be construed as limiting the right to bring an action for forcible detainer pursuant to article 23 of chapter 61 of the Kansas Statutes Annotated.

5. Actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in article 11 of chapter 60 of the Kansas Statutes Annotated.

6. Actions for divorce, separate maintenance or custody of minor children. The legislature, however, provided that this limitation was not to be "...construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas juvenile code."

7. Habeas corpus.

8. Receiverships.

9. Change of name.

10. Declaratory judgments.

11. Mandamus and quo warranto.

12. Injunctions.

13. Class actions.

14. Rights of majority.

The nature of these specific areas of limitation is such that it seems clear that, from the outset, the district magistrate judge has had rather broad civil jurisdiction. Moreover, even these limitations on the civil jurisdiction of the district magistrate judge were tempered by the added provision in the 1976 legislation to the effect that "...in the absence, disability or disqualification of a district judge or associate district judge, a district magistrate judge..." is empowered to grant a restraining order pursuant to K.S.A. 60-902; appoint a

receiver pursuant to K.S.A. 60-1301; and, make any order authorized by K.S.A. 60-1607.

As absence of the district judge is generally construed to mean absence from the county and, as many district magistrate judges serve in counties in which no district judge is stationed on a full time basis, district magistrate judges can be called upon to issue restraining orders pursuant to K.S.A. 60-902; to appoint receivers pursuant to K.S.A. 60-1301; and, in particular, to issue interlocutory restraining orders, custody orders and support orders in divorce cases pursuant to K.S.A. 60-1607.

1977 - HOUSE SUB. FOR SENATE BILL NO. 324

In 1977, the jurisdictional limit on the amount in controversy in civil cases was raised to \$3,000.00.

The 1977 legislation also made it clear that in civil cases where a record is made of an action or proceeding before a district magistrate judge, any appeal permitted by law from the order or final decision of that district magistrate judge shall be tried and determined on that record by a district judge or associate district judge. Appeals in criminal matters or in civil matters where no record has been made are by trial de novo.

1979 - HOUSE BILL NO. 2426

In 1979, the jurisdictional limit in civil matters was again increased; this time, to the current amount of \$5,000.00.

In addition, in 1979, a change which might be regarded as not increasing the civil jurisdiction of the district magistrate judge took place - actions pursuant to the new protection from abuse act enacted that year were added to the area in which the civil jurisdiction of the district magistrate judge is not concurrent with that of the district judge. However, in actuality, the enactment of the protection from abuse act served to increase the jurisdiction of the district magistrate judge because orders authorized by that act were added to the area in which the district magistrate judge may be called upon "...in the absence, disability or disqualification of a district judge or associate district judge...".

1983 - SENATE BILL NO. 105

The changes made by the legislature in 1983 resulted in no significant change in the jurisdiction of the district magistrate judge. In that 1983 session, the changes made by the legislature with respect to K.S.A. 20-302b served simply to reassert the original jurisdiction of the district magistrate judge in juvenile matters. This was done by giving the district magistrate judge authority "...to hear any action pursuant to the Kansas code for care of children or the Kansas juvenile offenders code..."; both of which had become effective January 1, 1983.

1984 - SENATE BILL NO. 490

The 1984 legislation added the trial of traffic infractions to the jurisdiction of the district magistrate judge. This modification arose out of the changes in

terminology made within the traffic code.

1985 - SENATE BILL NO. 51

In 1985, the civil jurisdiction of the district magistrate judge was increased dramatically. As a result of the changes made that year, the district magistrate judge is now authorized to "...establish, modify or enforce orders of support..." in many different types of proceedings:

1. Kansas parentage act (generally, this involves court ordered child support upon adjudication by the court that a party is the parent of a minor child);
2. K.S.A. 23-451 et seq. (generally, this involves child support under the Uniform reciprocal enforcement of support act);
3. K.S.A. 39-718a (generally, this involves medical assistance paid by the Secretary of S.R.S. and the right of the Secretary to recover same from the recipient or a legally obligated third party);
4. K.S.A. 39-755 (generally, this involves the right of the Secretary of S.R.S. to bring actions to enforce and modify child support orders which have been assigned to the Secretary);
5. K.S.A. 60-1610 (generally, this involves court ordered child support arising out of divorce actions);
6. K.S.A. 38-1542 (generally, this involves orders of support under an ex parte order of protective custody arising out of an action under the Kansas code for care of children);
7. K.S.A. 38-1543 (generally, this involves orders of support under an order of temporary custody issued upon notice and opportunity to be heard arising out of an action under the Kansas code for care of children);
8. K.S.A. 38-1563 (generally, this involves orders of support under an order of disposition arising out of an action under the Kansas code for care of children);
9. Sections 1 through 27 of the 1985 legislation itself (generally, this involves, in Sections 1 through 14, the use of income withholding to enhance the enforcement of all support obligations; and, in Sections 15 through 27, the use of income withholding to enhance the enforcement of support obligations in cases processed pursuant to Title IV, Part D of the federal social security act).

It should also be added that, in addition to the authorization to "...establish, modify or enforce orders of support...", the 1985 legislation also authorized the district magistrate judge to "...enforce orders granting a parent visitation rights to the parent's child."

1986 - HOUSE BILL NO. 2658

The 1986 legislation merely sets out the statutory citations for Sections

1 through 27 of the 1985 legislation as being K.S.A. 23-4,105 through 23-4,118 and K.S.A. 23-4,125 through 4,137. In addition, this legislation did, once again, emphasize that the civil jurisdictional limit of \$5,000.00 is not to be construed as limiting the power of a district magistrate judge to issue support orders as provided in the 1985 legislation.

The 1986 legislation also assured that, effective January 12, 1987, there would be no more references to the position of associate district judge in K.S.A. 20-302b because, as you know, at that time all associate district judges became district judges. Thus, there are now only two classes of judges of the district courts - district magistrate judge and district judge.

#### SUMMARY

In addition to K.S.A. 20-302b, there are, as you know, many other statutes which bear directly on the jurisdiction, powers and duties of the district magistrate judge. This is, of course, inevitable due to the broad jurisdiction of the district magistrate judge in criminal matters and civil matters alike.

In fact, when any specific statute in either area is introduced, amended or repealed, it is quite likely that there will be an impact upon the jurisdiction of the district magistrate judge. However, because of the nature of your request and because of the limitations of time, I have chosen to examine only the legislative history of K.S.A. 20-302b.

The original grant of jurisdiction to the district magistrate judge in criminal matters was, as stated earlier, rather extensive. This criminal jurisdiction remains extensive today with the only major change being the addition of the traffic infraction in 1984 in order to be consistent with changes made in the traffic code. Thus, among other areas of responsibility, with respect to criminal matters, the district magistrate judge has the responsibility of issuing warrant or summons in felony and misdemeanor cases; investigating eligibility for appointed defense services in criminal cases, and, if eligibility is established, appointing counsel; conducting the first appearance in felony and misdemeanor cases; conducting the trial of misdemeanor and traffic infraction cases, and, if the defendant is convicted, the sentencing therein; and, conducting the preliminary examination in felony cases.

It should also be kept in mind that the district magistrate judge establishes the terms and conditions of bond; issues search warrants; and, conducts hearings on various motions such as motions to suppress, motions to reduce bond, motions in limine, and motions to discharge, among others. The criminal trials conducted by the district magistrate judge in misdemeanor and traffic infraction cases can be court trials or trials to a jury.

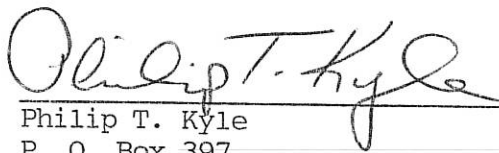
These examples of the jurisdiction, powers and duties of the district magistrate judge in criminal matters are not intended to be all inclusive. They are merely examples of some of the common situations arising in criminal law in which district magistrate judges are called upon to make judicial determinations during the course of their duties.

The jurisdiction of the district magistrate judge in civil matters is also

quite broad. In fact, it is so extensive that it would be inappropriate to mention specific examples for fear that, by so doing, one would leave the impression that those examples were definitive rather than illustrative. Suffice it to say that, with certain limitations which are clearly defined by statute and which are actually fairly narrow limitations in terms of the sweeping scope of civil litigation, the district magistrate judge has, in the language of K.S.A. 20-302b, "...concurrent jurisdiction, powers and duties with a district judge...".

I trust that the above and foregoing has been responsive to your request. If, however, you have specific questions, comments or suggestions about this matter, please do not hesitate to contact me.

Sincerely yours,



Philip T. Kyle  
P. O. Box 397  
Jetmore, Kansas 67854



**SUBCOMMITTEE REPORT**

Agency: Judicial Branch

Bill No. 2675

Bill Sec. 4

Analyst: Mills

Analysis Pg. No. 117

Budget Pg. No. 1-51

<u>Expenditure Summary</u>	<u>Agency Req. FY 89</u>	<u>Governor's Rec. FY 89 As Amended</u>	<u>Subcommittee Adjustments</u>
<b>State Operations:</b>			
State General Fund	\$ 47,919,401	\$ 48,153,355	\$ 246,116
Special Revenue Funds	<u>3,131,047</u>	<u>3,173,576</u>	<u>672</u>
<b>TOTAL</b>	<b><u>\$ 51,050,448</u></b>	<b><u>\$ 51,326,931</u></b>	<b><u>\$ 246,788</u></b>
<b>FTE Positions:</b>			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	216.0	216.0	--
Nonjudicial Personnel	<u>1,412.5</u>	<u>1,412.5</u>	<u>--</u>
<b>TOTAL</b>	<b><u>1,645.5</u></b>	<b><u>1,645.5</u></b>	<b><u>--</u></b>

**Agency Estimate/Governor's Recommendation**

The Judicial Branch is requesting a total of \$51,050,448 for FY 1989, which is composed of \$47,919,401 from the State General Fund and \$3,131,047 from special revenue funds. The total request represents a 9.1 percent increase over the agency's estimate for FY 1988. The Judicial Branch is requesting a three-year program of 7 percent salary increases for all Judges and Justices. The proposal would grant judges a 7 percent salary increase, plus any general statewide salary adjustments, in each of the fiscal years 1989, 1990, and 1991. Funding of \$886,837 is included in the FY 1989 budget request in order to implement the first stage of this salary upgrade. The Judicial Branch is also requesting funding to upgrade the salaries of Appellate Court Attorneys. The proposed upgrades would affect 27 positions in the Judicial Branch, and the FY 1989 budget request contains funding of \$116,183 to implement the proposed salary upgrades for appellate attorney positions.

The Governor's recommendation for FY 1989, as amended, totals \$51,326,931, which is composed of \$48,153,355 from the State General Fund and \$3,173,576 from special revenue funds. The Governor's recommendation for FY 1989 is an increase of \$276,483 over the agency request for FY 1989. The main component of this increase is found in salaries and wages, in that the Governor's recommendation for salaries and wages is an increase of \$856,416 over the agency request (largely attributable to the recommended 4 percent salary adjustment for all Judicial Branch employees, to step increases, and to annualization of FY 1988 salary increases). The amended Governor's recommendation includes a technical adjustment to reduce the State General Fund appropriation by \$548,556 to correct the calculation for fringe benefits which were miscalculated in the Governor's original recommendation.

The Governor's recommendation, as amended, for FY 1989 includes funding (\$1,790,588) to grant a 4 percent cost-of-living salary adjustment to all Judicial Branch employees, including judges. In addition, the Governor's recom-

mentation for FY 1989 includes step movement salary increases for eligible employees. (The 1987 Legislature approved expenditure of \$750,000 from the State General-Fund for the last half of FY 1988 to: (1) convert the Judicial Branch pay plan to the same ranges as the civil service pay plan (\$400,000) and (2) implement "clerical study" salary upgrades for nonjudicial clerical-related positions (\$350,000). In addition, the 1987 Legislature approved a 2 percent cost-of-living adjustment for the last half of FY 1988 for all state employees, including those of the Judicial Branch. The FY 1989 budget request contains funding to annualize these three salary enhancements, and such funding is recommended by the Governor to annualize the pay plan conversion, the general salary adjustments, and the clerical upgrades for the full year in FY 1989.)

#### House Subcommittee Recommendations

The House Subcommittee concurs with the Governor's recommendations for FY 1989, with the following adjustments:

1. Addition of \$228,116 (SGF) to grant each justice and judge of the Judicial Branch (excluding district magistrate judges) an additional 2.2 percent base salary increase in FY 1989. This proposed increase is in addition to the 4 percent general salary adjustment already included in the Governor's recommendation for FY 1989. The Subcommittee shares the concern of the Judicial Branch that adequate compensation is necessary to attract and retain well-qualified judges. This additional increase would serve to increase judges' compensation to a higher level, especially since the Governor's recommendation contains a 4 percent salary increase for judges. (Legislative action will be needed to implement this additional salary increase, as judges' salaries are set by statute and tied only to the general salary adjustments granted to classified employees.)
2. Addition of \$15,000 (SGF) for the automation project for the Appellate Clerk's Office. The agency requested \$49,138 for this project in FY 1989. The Governor recommended a total of \$29,275 (a reduction of \$19,863), which the agency states will be inadequate to implement the project. The Subcommittee recommendation would provide a total of \$44,275 for the project in FY 1989.
3. Addition of \$3,000 (SGF) to permit the acquisition of a micro-computer for the Commission on Judicial Qualifications.
4. A technical adjustment to the expenditure limitation on the Bar Admission Fee Fund (\$672 increase) to permit funding of the 4 percent salary increase for one position which was inadvertently omitted from the Governor's recommendation.
5. The House Subcommittee notes that the salaries of several state officers are linked, by statute, to the salaries of either district court or appellate court judges. Examples of such linked salaries

include the members of the Corporation Commission (K.S.A. 74-601), the members of the Parole Board (K.S.A. 22-3708), and the members of the Board of Tax Appeals (K.S.A. 74-2434). The Subcommittee believes that it is inappropriate to tie the salaries of executive branch officers to those of the judiciary, (especially in light of the special consideration recommended for judges' salaries in FY 1989), and recommends that legislation be introduced to set these executive branch salaries in some other fashion.

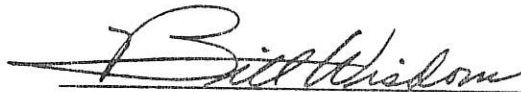
6. The House Subcommittee recommends that an interim legislative study be authorized to review the current assignment and number of judges, their caseloads, and the need for more or fewer judges in various geographic regions.
7. The House Subcommittee also recommends that any additional salary improvements which might be approved should be used to enhance retirement benefits or to supplement health care costs, rather than to support longevity pay bonuses.



Representative Bob Ott



Representative Vern Williams



Representative Bill Wisdom

2675-677/RM

(FROM THE STATE OF COLORADO)

October 27, 1987

PRESS RELEASE

FOR IMMEDIATE RELEASE

The Fifteenth Judicial District Nominating Commission will meet on December 11, 1987, for the purpose of selecting nominees for appointment by the Governor to the office of County Judge for Prowers County. The vacancy will be created by the retirement of the Honorable John J. Lefferdink effective January 25, 1988.

Lay  
judgeship  
salary for  
part-time  
position  
in  
Colorado

To be eligible for appointment to fill the vacancy, the applicant must be a qualified elector of Prowers County and must have graduated from high school or have attained the equivalent of a high school education as indicated by the possession of a certificate of equivalency. A County judge serves an initial provisional term of two years. Thereafter, if retained in office by the voters, the judge will have a term of four years. Under the present salary schedule, the annual salary for this part-time position will be \$36,050 on January 1, 1988, and is expected to increase to \$39,200 on July 1, 1988.

Application forms are available from the office of the Chairman of the Nominating Commission, Justice George E. Lohr, 420 Colorado State Judicial Building, 2 East 14th Avenue, Denver, Colorado, 80203, and the office of the District Administrator for the Fifteenth Judicial District, Prowers County Courthouse, 301 South Main, Lamar, Colorado 81052. Applications should be filed with the Chairman at the earliest possible time, but in any event must be received in the Chairman's office no later than Thursday, December 3, 1987.

\* \* \* \* \*



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue - Topeka, Kansas 66612 - (913) 235-2383

March 23, 1988

TO: House Appropriations Committee

FROM: Jerry Slaughter  
Executive Director

SUBJECT: HB 3094

The Kansas Medical Society appreciates the opportunity to offer these brief comments in support of HB 3094, concerning compensation for judges.

In 1986 our House of Delegates supported the concept of a substantial increase in judicial compensation in order to attract and retain the best qualified judges. As is often the case, the State must compete with the private sector for the most qualified individuals. While most judges could make substantially greater incomes in private law practice, we believe increases in judges' salaries will help attract, and keep, the most qualified individuals serving in this important public policy role.

We appreciate the opportunity to testify today, and thank you for your consideration of these comments.

JS:nb

HA  
3-23-88  
Attachment 8

KATHRYN SUGHRUE  
 REPRESENTATIVE, 116TH DISTRICT  
 FORD COUNTY  
 1809 LA MESA DRIVE  
 DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER: FEDERAL AND STATE AFFAIRS  
 ENERGY AND NATURAL RESOURCES  
 RANKING MINORITY MEMBER: GOVERNMENTAL  
 ORGANIZATION  
 MEMBER: MIDWESTERN CONFERENCE ON  
 HEALTH—COMMISSIONER ON  
 INTERSTATE COOPERATION

Thank you Chairman Bunten and members of the Appropriation Committee.  
 H.B. 2838 would permit members of K.P.E.R.s the option of purchasing  
 the first year waiting period through double deductions.

If the individual decides to purchase this first year waiting period  
 for retirement benefit purposes, I understand that it must be done through  
 a lump sum payment. The lump sum amount is determined by the normal 4  
 percent the individual would have contributed on their first year salary  
 plus interest. For those state employees who make a career working for  
 Kansas it would be a real advantage to begin saving the 1st year.

Unfortunately, some individuals wait 15 to 20 years before purchasing  
 the first year of service. The current lump sum payment provision then  
 requires that they pay the entire amount at one time, which could easily,  
 after 20 years, be in the range of \$800 to \$1,000. I am sure you can  
 imagine the difficulty for an employee who may be earning \$20,000 a year  
 to have the resources to make the lump sum payment.

The morale of the employees to be a part of the system and a feeling  
 of security in saving.

H.B. 2838 is a modest grass roots request that I hope you will consider  
 favorably.

For these reasons members that belong to K.P.E.R.s should have the  
option of purchasing their first year of employment by the double deduction  
 plan.

Thank you for granting a hearing for H.B. 2838.

HA  
 3-23-88  
 Attachment 9



Testimony on H.B. 2918  
H. Edward Flentje  
March 23, 1988

On behalf of the State Employees Health Care Commission, I want to register the Commission's opposition to H.B. 2918. First, if adopted, this bill would enlarge the time period between the point when bids for health benefits are accepted and the point when a health benefits plan is implemented, and as a result would likely discourage new bidders and competition in the bidding process, cause increased health insurance premiums, or both. Second, establishing the benefit plan year to coincide with the state's fiscal year will adversely affect many state employees in the treatment of copay and deductible amounts that are paid by participants. Third, the bill will also change the makeup of the commission at a time when some stability is desirable.

1. Claims experience - timing - The bill provides for the Kansas State Employees Health Care Commission to submit to the Legislature their recommendations for the benefit year that commences the following July 1. This deadline will require that the Commission start the procurement process in the summer in order to have prices negotiated in time to incorporate them into the Governor's budget recommendations and the Commission's report to the Legislature. As a result, insurers and HMOs may have no actual claims experience for the current benefit year before they are required to propose pricing for a plan year that begins some twelve months into the future. Carriers do not like to bid without at least six months of utilization data and prefer a longer period, and this extended period would most likely discourage bidders. If bidders are willing to bid under the proposed circumstances, it is foreseeable that they will increase the trend factor and inflation rate to protect themselves. The net result would be increased premiums.
2. Copays and deductibles - In order to change from a calendar to fiscal year plan basis by July 1, 1989, as required by H.B. 2918, the Commission will either have to extend contracts six months or award a six month contract. Currently copays and deductible amounts under HMO and insured coverage

HA  
3-23-88  
Attachment 10

plans are computed on a calendar year basis. If the current contracts are extended six months, the copays and deductibles will need to be increased or the premiums will increase. If a six month contract or extension is implemented, employees may have to meet copays and deductibles twice in the same twelve-month span of time, which would adversely affect many state employees.

3. Commission makeup - Currently the commission is made up of three active state employees. Additionally the commission has activated a twenty-four member advisory committee which includes four legislators. This change will detract from the stability that is needed on the commission at this time. A new benefits administrator is now in place, the commission is committed to undertake a study of the feasibility of self-insurance, and wellness measures are being carried out. Our recommendation is that consideration of reorganization of the commission be postponed until next year.

In summary, the adoption of H.B. 2918 would disrupt the work of the Commission and limit our ability to develop a health benefits program which is advantageous to both state employees and state government.

5230A