

Approved Feb. 18, 1991

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Senator August "Gus" Bogina, Chairperson at 11:08 a.m. on February 7, 1991, in Room 123-S of the Capitol.

All members were present except:

Committee staff present:

Diane Duffy, Kansas Legislative Research Department
Leah Robinson, Kansas Legislative Research Department
Gordon Self, Revisors' Office
Judy Bromich, Administrative Assistant
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Marshall Crowther, Executive President, Kansas Public Employees Retirement System
Randy Hearrell, Judicial Council

Mr. Marshall Crowther distributed a comparison of the different public employees' systems governed by statute and administered by KPERS as prepared by the Kansas Legislative Research Department (Attachment 1). He reminded the Committee that the benefit levels of the plans are not determined by the KPERS board of trustees or staff but are determined by the Legislature. The plans are all defined benefit plans which means they have a guaranteed benefit formula. If benefits can be maintained with less employer contribution, the employer has the opportunity to either reduce the contribution for the level of benefits promised or make improvements in the benefits. Mr. Crowther mentioned the three sources of revenue:

- 1) statutory contributions made by employees
- 2) actuarially determined contributions made by employers
- 3) investment of funds under KPERS management (This is the responsibility of the Board of Trustees, and the risk is borne by the employer.)

Mr. Crowther told the Committee that a 47% increase in benefits and a reduction in employee contribution rates over the last 10 years illustrate the impact of experience in investments. He noted that the state and other participating employers in KPERS would have paid \$500 million more in employer contributions over the last 10 years under the old contribution rate of 6.2% of covered payroll. While employers and taxpayers have experienced reductions in obligations, the employees have enjoyed cost of living increases, changes in the benefit formula, and changes in the benefit design in terms of the salary base, early retirement, survivor options, etc. There are approximately 130,000 active members of the various plans within the system, and retirement benefits payments of \$160. million are made annually.

Mr. Crowther reviewed the organization of KPERS as illustrated in Attachment 2 which was taken from the 1990 Component Unit Financial Report for the fiscal year ending June 30, 1990. Copies of this document can be obtained from the KPERS office.

In answer to a question, Mr. Crowther stated that the purchase of service from other states is restricted to out of state teaching service and limited to 10 years in which the individual pays the full cost. Other purchases of services such as military service are not as severe and are limited to 6 years. He informed the Committee that one threat to public plans is the federal proposal regarding nondiscrimination in pension plans.

In response to an inquiry regarding the Home Savings Investment, Mr. Crowther stated that \$28. million in interest payments have been made from the \$65. million investment. He noted that Home Savings is formulating a

CONTINUATION SHEET

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capital reorganization plan subject to approval by the regulatory board.

Senator Kerr questioned why the interest rate for earnings is set at 8% and the assumed rate of pay increases to employees is set at 6%. He noted that, according to historical performance, the rate of return has been 11.2%. Mr. Crowther stated that the Board of Trustees has been conservative in its approach to dealing with the public sector.

Chairman Bogina asked whether members of the board would have an opportunity to benefit from inside knowledge. Mr. Crowther stated that a code of ethics was formulated last summer that would have little legal impact, but would have influence on managers employed by KPERS to make and monitor investments.

Senator Hayden moved, Senator Rock seconded, that the minutes of the February 4, 1991 meeting be approved. The motion carried on a voice vote.

Randy Hearrell distributed Attachment 3 and highlighted the scope (Attachment 3-6), the findings (Attachment 3-17), and the recommendations (Attachment 3-30) of the redistricting study. He also discussed the statutory changes necessary to allow the Supreme Court to more effectively exercise its authority to administer the Judicial branch of government (Attachment 3-31). Mr. Hearrell noted that the cost of the recommended professional study of redistricting would be \$225,000 minus a \$25,000 grant.

Chairman Bogina questioned the necessity of the recommended study. Senator Hayden, a member of the Redistricting Advisory Committee, stated that he did not want to delay the process of changing the statutes. In answer to a question, Mr. Hearrell stated that the suggested changes in state law have not been introduced, but legislation that does not include the changes in statute is in the process of being drafted. Senator Winter noted that although he did not feel it was the Legislature's responsibility to micro-manage the Judicial Council, the receipt of the redistricting report would trigger the ability to change the magistrate law.

The Chairman adjourned the meeting at 12:12 p.m.

COMPARISON OF SIGNIFICANT FEATURES OF THE KANSAS PUBLIC EMPLOYEES, KANSAS POLICE AND FIRE, AND KANSAS JUDGES RETIREMENT SYSTEMS*

(All Administered by the Board of Trustees of KPERS)

COVERAGE -- EMPLOYERS

- KPERS - Mandatory for the state. Optional for any city, county, township, special district or any instrumentality of any one or several of the aforementioned whose employees are covered by Social Security and not covered by or eligible for another retirement plan under the laws of the State of Kansas.
- KP&F - Optional, any political subdivision employing firefighters, police officers, or emergency medical personnel (local units may affiliate for future service only). Includes Highway Patrol, KBI, and, at the option of the head of the institution, university police officers employed by institutions under the State Board of Regents.
- JUDGES - State Judicial System.

COVERAGE -- EMPLOYEES

- KPERS - Mandatory for all eligible employees (except elected officials and specified state officers and employees), both current and future, whose employment is not seasonal or temporary and requires at least 1,000 hours per year. Future nonschool employees after entry date become eligible after one continuous year of service (except for first-day coverage for death and disability benefits which is provided by the state and is optional for local units).
- KP&F - Mandatory for all employees except sheriffs. Sheriff may elect membership.
- JUDGES - All justices of the Supreme Court, Court of Appeals judges, and all judges of the district courts of the State of Kansas automatically participate upon appointment.

EMPLOYER CONTRIBUTION

- KPERS - Amount required to pay current service liabilities and to fund prior service costs.

* Prepared by KPERS staff and Kansas Legislative Research Department.

*SWAM
February 7, 1991
Attachment 1*

	<u>FY 1991</u>	<u>FY 1992</u>	<u>FY 1993</u>
State Nonschool and School	3.20%	3.60%	3.30%
State Special Member Elected Officials	7.90	8.30	7.90
Local Nonschool	2.40	1.80	-- ^a
	(CY 91)	(CY 92)	(CY 93)

a) Not yet certified.

KP&F - Amount required to pay current service liabilities and to fund prior service costs. (16% for first year.) Each employer has a separate rate.

Local	CY 1991 11.5%	(avg.)	FY 1992 9.2%	(avg.)		
KBI	FY 1991 10.0%		FY 1992 9.9%		FY 1993 7.7%	
Patrol	FY 1991 10.9%		FY 1992 11.4%		FY 1993 8.8%	
Regents' Inst.	FY 1991 7.4%		FY 1992 7.8%		FY 1993 5.7%	

(For employers affiliating for future service only, the normal cost rate in CY 1992 is 5.7 percent.)

JUDGES - Amount required to pay all liabilities which shall exist or accrue, including amortization of unfunded accrued liability.

FY 1991	5.40%	FY 1992	7.3%	FY 1993	7.1%
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EMPLOYEE CONTRIBUTION

KPERS - 4% gross compensation, except special member elected state officials contribute 5% (2% if such special member has received 30 years of credited service).

KP&F - 7% gross compensation - after 35 years credited service or attainment of age 60 and 20 years credited service, drops to 2%.

JUDGES - 6% gross compensation - reduced to 4% when a judge has accrued enough service to be entitled to the maximum benefit.

(Beginning in the 3rd quarter of CY 1984, legislation enacted in 1984 requires member contributions to be "picked-up" by employers, i.e., treated, but not actually paid, as employer contributions, for federal income tax purposes to defer taxation of that part of a member's salary until contributions are withdrawn or retirement benefits begin.)

REQUIRED SERVICE

- KPERS - No required number of years.
- KP&F - Tier I: 20 years.
Tier II: 15 years at age 60.
- JUDGES - No required number of years.

VESTING OF BENEFITS

- KPERS - 10 years credited service; 8 years for special member elected state officials.
- KP&F - Tier I: For those individuals employed prior to June 30, 1989 who have not elected into Tier II -- 20 years credited service.
Tier II: For those individuals employed after June 30, 1989 and for those who were employed prior to that date and have elected into Tier II -- 15 years credited service.
- JUDGES - 10 years credited service.

(Members of one of the above systems who were members of either of the other systems may combine service credit for vesting under all systems for which they have credit.)

RETIREMENT AGE

- KPERS - 65 (normal retirement); or age 60 or over with 35 years of service; or with 40 years of service regardless of age.*
55 (early retirement).* See Minimum Retirement Age, below.
- KP&F - Tier I: 55 (normal retirement).
50 (early retirement).
Tier II: 55 (normal retirement); or at age 50 or over with 25 years of service; or age 60 or over with 15 years of service.

*State correctional employees -- unit team personnel, correctional officers, and supervisors have a normal retirement age of 55 and an early retirement option at age 50. Power plant operators, correctional industries personnel, food service employees, and maintenance supervisors, who have regular contact with inmates, have a normal retirement age of 60 and an early retirement optional age 55. Early retirement is subject to a reduced benefit of 0.2 percent for each month the KPERS-Correctional employee is less than normal retirement age.

JUDGES - 65 (normal retirement).
55 (early retirement).

MINIMUM RETIREMENT AGE

- KPERS - 60, early retirement with 10 years credited service (reduced benefit -- .2 percent per month between ages 60 and 65); or age 55 with 10 years of credited service (reduced benefit -- .6 percent per month between ages 55 and 60 and .2 percent per month between ages 60 and 65). Exceptions for state correctional employees -- see Retirement Age.
- KP&F - Tier I or Tier II: 50, after 20 years service (actuarially reduced benefit -- .4 percent per month).
- JUDGES - 60, early retirement with 10 years credited service (reduced benefit -- .2 percent per month); or age 55 with 10 years of credited service (reduced benefit -- .6 percent per month between ages 55 and 60 and .2 percent per month between ages 60 and 65).

MANDATORY RETIREMENT AGE

- KPERS - None
- KP&F - No mandatory retirement age except for Highway Patrol (age 60) and KBI (age 65); however, no credit earned after 60 except for employees who do not have required years of service. Employee must make contributions as long as employed as policeman or fireman.
- JUDGES - End of term in which age 70 is attained.

BASIS OF RETIREMENT BENEFIT

- KPERS - Final average salary (FAS). Average highest 4 years of participating service; for special member elected state officials, average of highest 3 years. However, members eligible for a long-term disability benefit, who were disabled for at least five years immediately before retirement, will have their FAS adjusted upon retirement by the actuarial salary assumption rates existing during the period of disability.
- KP&F - Final average salary (FAS). Average highest 3 of last 5 years of participating service. However, members eligible for a long-term disability who are employed after July 1, 1989 or those who elected special provisions and are disabled five or more years before retirement, will have their FAS adjusted upon retirement by the

actuarial salary assumption rates existing during the period of disability.

- JUDGES - Final average salary (FAS). Average highest 4 years of last 10 years of participating service. However, members eligible for a long-term disability benefit, who were disabled for at least five years immediately before retirement, will have their FAS adjusted upon retirement by the actuarial salary assumption rates existing during the period of disability.

BASIC RETIREMENT BENEFIT

- KPERS - Prior service -- 1% FAS for each year of prior service. Participating service -- 1.25% FAS for each year of participating service; 1.4% for service credited after June 30, 1982; 1.4% FAS for all years of participating service for members who retire on or after August 1, 1987 with at least 10 years of such service; 1.5% FAS for all years of participating service for those who retire on or after August 1, 1987 with 35 years of credited service; 2% FAS for special member elected state officials, not to exceed 60% of FAS. No minimum -- No maximum (except as noted).
- KP&F - 2% FAS per year of service (combined prior and participating) not to exceed 70% of FAS.
- JUDGES - 5% FAS per year of service for up to 10 years and 3 1/3% for more than 10 years (combined prior and participating) not to exceed 65% of FAS. 3 1/3% FAS per year of service for persons joining the system after June 30, 1987, not to exceed 65% of FAS.

OPTIONS

- KPERS - Joint 1/2 Survivor (was OPTION A): A reduced monthly benefit payable for life with one-half this amount continued monthly to the joint annuitant upon the death of a retirant. The reduction factor is 91% minus .4% for each year the joint annuitant is younger than the retirant or plus .4% for each year older.

Joint Survivor (was OPTION B): A reduced monthly benefit payable for life with the same amount continuing monthly to the joint annuitant upon the retirant's death. The reduction factor is 83% minus .6% for each year the joint annuitant is younger than the retirant or plus .6% for each year older.

Life Certain (was OPTION C): A reduced monthly benefit payable for life and if death occurs within 5, 10, or 15 years of the retirement date, the same amount is payable to the beneficiary for

the remainder of the 5, 10, 15 year period. The reduction factors are 98%, 95%, or 88%, respectively.

Joint 3/4 Survivor (was OPTION D): A reduced monthly benefit payable for life with three-fourths of this amount continued monthly to the joint annuitant upon the death of a retirant. The reduction factor is 87% minus .5% for each year the joint annuitant is younger than the retirant or plus .5% for each year older.

KP&F - Joint 1/2 Survivor (was OPTION A): Same as KPERS except reduction factor is 94.5% plus or minus .2% for age differential.

Joint Survivor (was OPTION B): Same as KPERS except reduction factor is 88% plus or minus .4% for age differential.

Life Certain (was OPTION C): Same as KPERS except reduction factors are 99%, 98%, or 92%.

Joint 3/4 Survivor (was OPTION D): Same as KPERS except reduction factor is 91% plus or minus .3% for age differential.

JUDGES - Joint 1/2 Survivor (was OPTION A): Same as KPERS.

Joint Survivor (was OPTION B): Same as KPERS.

Life Certain (was OPTION C): Same as KPERS.

Joint 3/4 Survivor (was OPTION D): Same as KPERS.

POST RETIREMENT ADJUSTMENTS

- KPERS - 1972 - 5% across the board. (Permanent)
- 1973 - Graduated percentage increase based on year of retirement ranging from 32% to 2%. (Permanent)
- 1976 - 5% of annual benefit; maximum \$200, minimum \$20. (13th Check)
- 1977 - 5% of annual benefit; maximum \$200, minimum \$20. (13th Check)
- 1978 - Graduated percentage increase based on year of retirement ranging from 7.34% to 1.1%. (Permanent)

- 1980 - Retirement Dividend Payment not to exceed 8.33% of annual benefit (13th Check). (Permanent for all who retire through July 1, 1987)
- 1982 - 10% increase in monthly benefits for retirants who were entitled to benefits as of 6-30-81. (Permanent)
- 1984 - 10% increase in monthly benefits for retirants who were entitled to benefits as of 6-30-81. (Permanent)
- 1985 - 5% increase in monthly benefits for retirants who were entitled to benefits as of 6-30-84. (Permanent)
- 1986 - 3% increase in monthly benefits for retirants who retired prior to 1-1-85. (Permanent)
- 1987 - 2% increase in monthly benefits for retirants who retired before 1-1-86. (Permanent)
- 1988 - 3% increase in monthly benefits for retirants who retired before 1-1-87. (Permanent)
- 1989 - 4% increase in monthly benefits for retirants who retired before 7-1-88. (Permanent)
- 1990 - 4% increase in monthly benefits for retirants who retired before 7-1-89. (Permanent)

KP&F

- 1972 - Same as KPERS.
- 1973 - Same as KPERS except 50% to those who retired before 1962.
- 1976 - Same as KPERS.
- 1977 - Same as KPERS.
- 1978 - Same as KPERS.
- 1980 - Same as KPERS.
- 1982 - Same as KPERS.
- 1984 - Same as KPERS.
- 1985 - Same as KPERS.
- 1986 - Same as KPERS.
- 1987 - Same as KPERS.
- 1988 - Same as KPERS.
- 1989 - Same as KPERS.
- 1990 - Same as KPERS.

JUDGES

- 1972 - Same as KPERS.
- 1973 - None.
- 1974 - Integration with social security removed.
- 1976 - Same as KPERS.
- 1977 - Same as KPERS.

- 1978 - Same as KPERS.
- 1980 - Same as KPERS.
- 1982 - Same as KPERS.
- 1984 - Same as KPERS.
- 1985 - Same as KPERS.
- 1986 - Same as KPERS.
- 1987 - Same as KPERS.
- 1988 - Same as KPERS.
- 1989 - Same as KPERS.
- 1990 - Same as KPERS.

RESTRICTIONS ON POST RETIREMENT EARNINGS

KPERS - None, unless the retirant is employed by the same employer for whom he worked during the last two years of KPERS participation. In such cases, retirants could receive benefits until earnings equal \$6,000 in a calendar year. At that point, retirants may elect to terminate employment and continue to receive benefits; continue employment and have benefits suspend; or revoke their retirement and again become a participating KPERS member. This exception applies only to people who retire after June 30, 1988, but substitute teachers, elected officials, and officers, employees, appointees, and members of the Legislature are exempt.

KP&F - Retirants may not be employed by the same state agency or department of a local unit employer from which they retired for more than 30 days in any calendar year, unless they give up retirement benefits.

JUDGES - None.

TERMINATION BENEFIT

KPERS - Return member's actual contributions plus credited interest (must be repaid by employee or employer if reemployed by same employer within 60 days); 31-day conversion provision on life insurance. Vested benefit with 10 years of service (8 years for special member elected state officials), if no withdrawal.

KP&F - Return member's actual contributions plus interest credited after June 30, 1982 (must be repaid by employee or employer if reemployed by same employer within 60 days). Vested benefit with required years, if no withdrawal.

JUDGES - Return member's contributions plus interest credited after June 30, 1982; 31-day conversion provision on life insurance. Vested benefit with 10 years of service.

DEATH BENEFITS DEFINITION (DUTY CAUSED)

- KPERS - Service-connected accident.
- KP&F - Service-connected accident; for members with 5 or more years of credited service heart and lung disease is presumed service-connected.
- JUDGES - Death from any cause while in service as a judge.

DEATH BENEFITS (DUTY CAUSED)

KPERS SPOUSE: 50% FAS less any amount paid or payable under Workers' Compensation (\$100 minimum per month), until death or remarriage, and a \$50,000 lump sum payment.

 EACH CHILD: None.

 FAMILY MAXIMUM: 50% FAS

 CHILDREN, NO SPOUSE: Same as spouse until youngest child attains age 18 or until age 23 for those children who are full-time students.

 BENEFICIARY: Return member's actual contributions plus interest. Insured death benefit-150% annual rate of compensation (ARC). If no spouse or children, service-connected accident benefits payable to dependent parents.

KP&F SPOUSE: 50% FAS, until death or remarriage.

 EACH CHILD: 10% FAS, until youngest attains age 18 or until age 23 for those children who are full-time students.

 FAMILY MAXIMUM: 75% FAS.

 CHILDREN, NO SPOUSE: 50% FAS + 10% FAS per child.

 BENEFICIARY: If no spouse or children, return member's contributions plus interest credited after June 30, 1982, to beneficiary.

(Federal law provides a death benefit of \$100,000, plus cost-of-living adjustments within certain limitations for law enforcement officers killed in the line of duty. The federal death benefit is currently \$109,460.)

JUDGES

PAYABLE TO ANY NAMED
BENEFICIARY:

Return member's actual contributions plus interest. Insured death benefit of 150% ARC payable to beneficiary. If over age 55, with 10 years credited service and spouse is sole beneficiary, spouse may elect payment under any option the member had previously elected rather than lump sum return of actual contributions.

DEATH BENEFITS (NON DUTY)

KPERS - Return member's actual contributions plus interest. Insured death benefit of 100% ARC payable to beneficiary. Members eligible for long-term disability benefits, who are disabled at least 5 years immediately preceding death, will have their ARC adjusted by actuarial salary assumption rates existing during the period of disability. If over age 55, with 10 years credited service and spouse is sole beneficiary, spouse may elect payment under any option rather than lump sum return of actual contributions.

KP&F - Spouse receives lump sum of 100% FAS plus 2% FAS per year of service (payable at spouse's age 50 unless there are unmarried children under age 18 or until age 23 for those children who are full-time students). If no spouse or children, return member's actual contributions with interest to beneficiary.

JUDGES - Same as above (duty caused).

DEATH BENEFITS AFTER RETIREMENT

KPERS - None unless option is selected. Selected beneficiary of member or joint annuitant receives amount remaining, if any, of member's actual contributions less retirement benefits paid to deceased member and/or joint annuitant/beneficiary. Lump sum death benefit of \$2,500.

KP&F - None unless option is selected. Selected beneficiary of member or joint annuitant receives amount remaining, if any, of member's actual contributions less total retirement benefits paid. For disability retirements if no other benefits are provided then a lump sum benefit of 50% FAS and 50% of member's monthly benefit to beneficiaries. Lump sum death benefit same as KPERS in any event.

JUDGES - None unless option is selected. Selected beneficiary of member or joint annuitant receives amount remaining, if any, of member's actual contributions less retirement benefits paid. Lump sum death benefit same as KPERS.

DISABILITY BENEFIT DEFINITION (DUTY CAUSED)

- KPERS - Totally disabled after 180 consecutive days regardless of cause. May be either physical or mental.
- KP&F - Tier I: Totally and permanently disabled as a policeman or fireman, maybe physical or mental but must be caused by service-connected accident. For members with 5 or more years of credited service heart and lung disease is presumed service-connected.
- Tier II: No distinction between duty and nonduty caused.
- JUDGES - Totally and permanently disabled as a judge, may be physical or mental from any cause. Also available to vested, inactive judges.

DISABILITY BENEFITS (DUTY CAUSED)

- KPERS - EMPLOYEE: 66 2/3% ARC, reduced by 1/2 Workers Compensation and total of primary Social Security or any other employer provided benefits after 180 days disability (\$100 minimum). Continued group life insurance coverage. Participating service credit granted during period of total disability. Insurance benefits end at recovery from disability, termination of membership, or retirement, whichever first occurs. Disabilities occurring after age 60 are subject to certain limitations as to how long benefits will be paid.

EACH CHILD: None.

FAMILY MAXIMUM: 66 2/3% ARC.

(Certain state correctional employees have the same benefits as under KP&F from July 1, 1982 to June 30, 1991, except such benefits are reduced by any disability benefits received under Social Security or Workers Compensation but not to less than \$100 per month.)

- KP&F - Tier I: EMPLOYEE: 50% FAS.

EACH CHILD: 10% FAS.

FAMILY MAXIMUM: 75% FAS.

- Tier II: EMPLOYEE: 50% FAS. Service credit granted during period of disability. Disability benefits convert to a retirement benefit at the earliest date that the member is eligible for an unreduced retirement. For all disabilities occurring after January 1, 1990, there

is an offset of \$1.00 for each \$2.00 earned after the first \$10,000 of earnings.

EACH CHILD: None

FAMILY MAXIMUM: 50% FAS.

JUDGES - EMPLOYEE: 3 1/3% for each year of service with a 25% minimum benefit regardless of years of service; benefits recalculated upon attainment of retirement age with additional credit granted for the period of disability.

EACH CHILD: Not applicable.

FAMILY MAXIMUM: Same as normal retirement benefits.

DISABILITY BENEFITS (NON-DUTY)

KPERS - Same as duty caused. (For certain state correctional employees, disability benefits are generally the same as for KP&F, both duty and nonduty caused.)

KP&F - Tier I: 2% FAS per year of service, after 180 days disability. (Minimum 25% FAS and maximum 50%.)

Tier II: Same as duty caused.

JUDGES - Same as duty caused.

RELATIONSHIP TO SOCIAL SECURITY

KPERS - None, except offset for primary Social Security under insured - disability.

KP&F - None, except select group covered under Brazelton vs. KPERS lawsuit.

JUDGES - None, integration with social security removed in 1974.

BACKGROUND

KANSAS SCHOOL RETIREMENT SYSTEM (KSRS) ANNUITANTS

In 1971, all of the active members (and most inactive vested members) of the KSRS became members of KPERS. KSRS members who were retired at that time and certain classes of inactive employees with vested rights did not come under KPERS. Instead, payments to these members continued under the provisions of KSRS through separate reserves maintained specifically for that purpose.

KSRS provided a benefit related to the amount of employee contributions, and a separate benefit, paid by the state, based solely on years of school service as follows:

Savings annuity -- is the annuity amount which could be provided by the employee's contribution account at retirement (1984 legislation increased the savings annuity by 50%).

Service annuity -- the service related benefit - is a level dollar amount based on years of service at retirement. The service annuity rates at the time of the merger and prior to 1973 were as follows:

<u>Years of Service</u>	<u>Monthly Service Annuity Per Year of Service Prior to 1973</u>
less than 10	\$1.00
10 but less than 20	1.50
20 but less than 25	2.00
25 to 35	3.50

Effective in 1973, this benefit was increased to \$6.50 per year of service for all employees with at least 10 years of service; a further increase to \$6.85 became effective October 1, 1978. Effective September 1, 1979, the 35-year limit on service was removed and benefits were increased accordingly. Legislation enacted in 1985 raised the service annuity rate to \$2 for persons with less than 10 years of service, and provided that KSRS retirants with 10 or more years of credited and noncredited service shall receive an additional \$3 monthly for each year of Kansas school service not previously used in a benefit calculation. Inclusion of the 1982, 1984, and 1985 through 1989 post-retirement adjustments results in the following monthly annuity rates:

Less than 10 years of service	\$ 2.61
10 or more years of service	
a) no noncredited service	\$ 9.79
b) with noncredited service	\$ 13.34

Although all currently active school employees are covered under KPERS, a small number of former school employees continue to qualify for benefits each year under KSRS.

The obligation of the state of Kansas for payment of School Service Annuities was originally to be amortized over a period of 10 years commencing July 1, 1973. The sum of \$10,220,000 was transferred from the State General Fund on July 1, 1973, and annual transfers of \$10 million were made each year from 1974 through 1983.

Legislation enacted in 1984 eliminated annual transfers from the State General Fund (which would have been \$10 million in 1984 and approximately \$3.4 million in 1985), made members of the old KSRS special members of KPERS, and provided that the state's remaining obligation for service annuities be amortized over 27 years.

The increase in the benefit level to \$6.85 effective October 1, 1978 produced an additional liability of \$4,507,900 as of that date. To finance this benefit increase, separate appropriations were made in 1978 of \$700,000 for FY 1979 and of \$1,269,300 for each of the fiscal years 1980, 1981, and 1982. Removal of the 35-year limitation in 1979 was funded by an appropriation in 1979 from the General Fund of \$2.8 million for both FY 1980 and FY 1981.

Legislation enacted in 1987 allows out-of-state teaching to qualify for benefits.

BACKGROUND

KANSAS CITY, KANSAS SCHOOL EMPLOYEES RETIREMENT FUND

The only Kansas school employees presently covered by a local retirement system are those of the Kansas City Unified School District No. 500 who were hired before 1964. Employees of that school district hired after January 1, 1964 -- like all other active Kansas school employees -- became members of the Kansas Public Employees Retirement System (KPERS) on January 1, 1971, the effective date of the merger of the Kansas School Retirement System (KSRS) into KPERS.

In 1953, legislation was passed to permit first-class city school retirement systems to transfer into KSRS. Employees covered by such city systems that joined the state system were given prior service credit under KSRS, and their contributions to the local systems after September 1, 1941 were transferred to KSRS. First-class cities that entered KSRS were permitted to retain their local school systems as supplemental retirement plans, so as to bring monthly benefits to a maximum of \$125 if a lesser amount was payable under KSRS.

The first-class city systems that transferred into KSRS in 1953 were those in Atchison, Coffeyville, Fort Scott, Leavenworth, Parsons, Pittsburg and Topeka. (A special act resulted in Hutchinson entering KSRS in 1951.) When Salina joined KSRS in 1954, Kansas City remained as the only first-class city with a separate school employees retirement system.

In 1963 the Kansas School Retirement Law (K.S.A. 72-5512a) was amended to provide that employees of the Kansas City school district hired after January 1, 1964 would become members of KSRS. The separate city system -- the Kansas City School Employees Retirement Fund -- continued to cover the closed group of employees hired before 1964. As of August 31, 1973 the Kansas City Plan covered 407 active school employees.

The 1963 legislation also provided that the State School Retirement Fund would reimburse the Kansas City Fund for its members who retired after July 1, 1963, in the amount that such employees would have received had they retired under KSRS. Payments from the State Fund to the Kansas City Fund were made semiannually on March 1 and September 1 of each year on the basis of the service annuities payable for the preceding six month period.

The substantial increase in KSRS service annuities effective July 1, 1973, did not apply to retirants receiving benefits from the Kansas City Fund. (The only exceptions to this general rule are a few Kansas City Plan retirants who are receiving direct payments from KSRS as Group II and Group III annuitants.) State payments to the Kansas City Fund continued to be based on the schedule of KSRS service annuity amounts effective July 1, 1965, up to a maximum of \$122.50 a month for Kansas City Plan retirants with 35 or more years of service. The State payment for the first 30 years of service (up to \$105 a month per retirant) was used to help finance the Kansas City Plan, but any amounts in excess of \$105 a month are paid to eligible Kansas City Plan retirants in addition to local plan benefits (up to \$17.50 a month passes through to the direct benefit of the retirant).

Chapter 293, Session Laws of 1974, amended K.S.A. 72-1759 and 74-4932 to provide members of the Kansas City School Employees Retirement Fund with the opportunity of electing membership in KPERS. The election had to be made prior to September 1, 1974. For those who elected to become members of KPERS, the Kansas City Board of Education was required to transfer from the local retirement fund to KPERS an amount equal to the aggregate of all employee contributions of those so transferring. Employees were to be granted prior service credit in accordance with K.S.A. 74-4936 except that service between January 1, 1971 and September 1, 1974 was credited as participating service. Those electing membership in KPERS are no longer covered under the local retirement fund (K.S.A. 72-1758 to 72-1769) and are now governed by all the provisions of law applicable to employees who became members under K.S.A. 74-4935.

The 1974 legislation further provided for the KPERS actuary to compute the remaining obligation of the state for the retirants and employees who elected to remain under the local retirement fund and the level annual payments that were to be made by the state over a period of 10 years commencing July 1, 1975. This level annual payment amounted to \$404,900, the last one being made in FY 1985.

In 1978, 1979, and 1980, legislation was enacted which provided post-retirement benefits for certain members of the Kansas City system.

A bill enacted in 1981 lowered from \$125 to \$75 the maximum amount of primary Social Security benefits which are deducted from the monthly annuity paid to a member of the Kansas City system.

A bill enacted in 1982 provided for a 10 percent increase in the monthly benefits of retirants, but this had to be financed by the Kansas City System.

Legislation enacted in 1984 provides that annuities paid by the Kansas City system shall begin on the first day of the month following retirement rather than on September 1 of the year in which retirement occurs.

The 1985 Legislature (1) gave pre-1981 retirants the benefits of the 1982, 1984, and 1985 post-retirement adjustments, all of which had to be financed by the school district, and extended the retirement divided payment (13th check) to all who retire through 7/1/87 and (2) allowed the remaining active members of the local system to elect membership in KPERS. As of August 1, 1990, there will be 11 active members.

In 1986, the Legislature granted a 3 percent increase in retirants' benefits for all individuals who retired prior to January 1, 1985 (paid for by the school district).

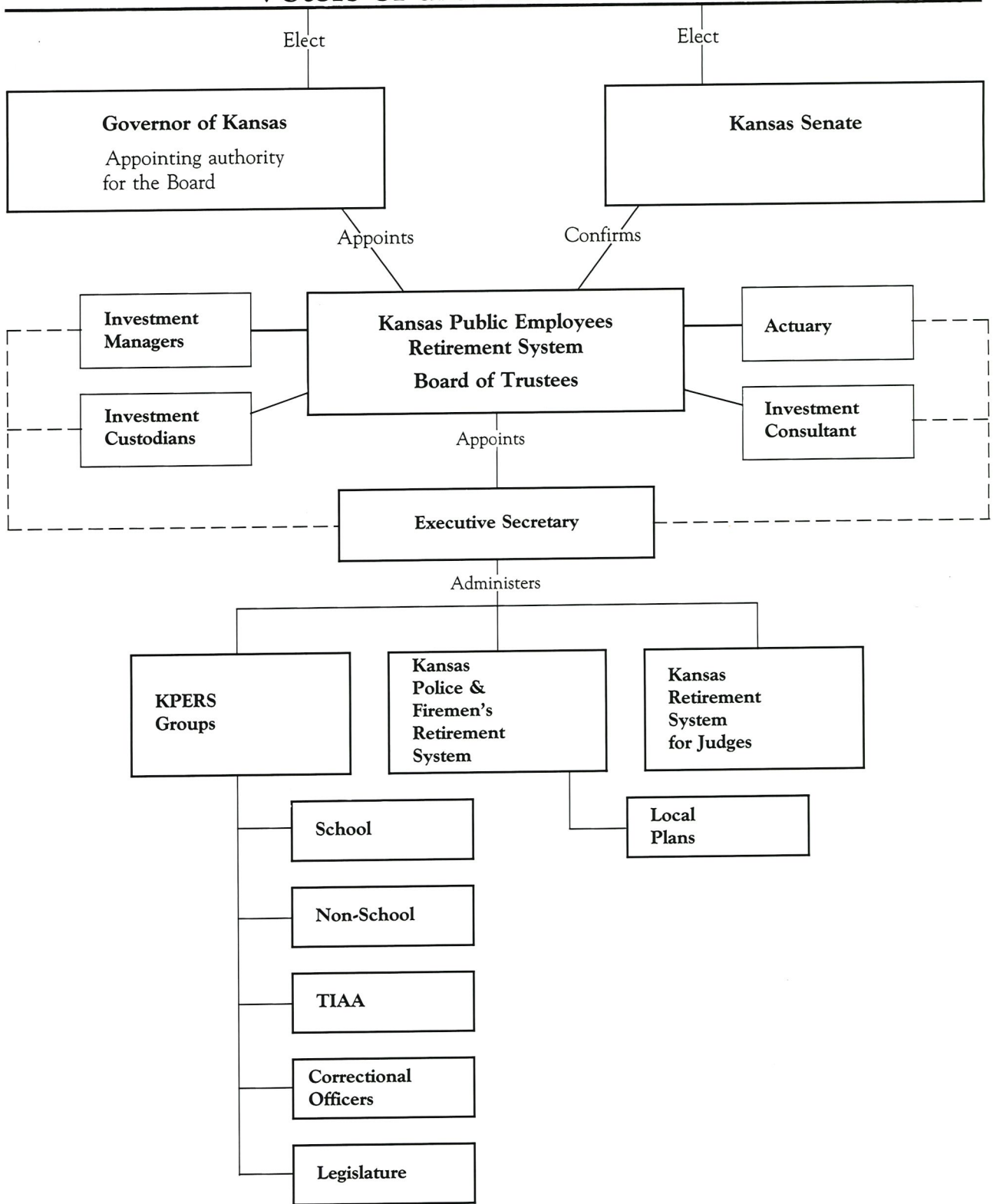
The 1987 Legislature allowed a 2 percent raise in retirants' benefits for all persons who retired before January 1, 1986 (to be paid for by the school district) and provided that contributions by members of the Kansas City system shall be "picked up" by the employer so as to defer federal income tax on the amount of the contribution.

In 1988, the Legislature provided for a 3 percent increase in benefits for those who retired before January 1, 1987 (paid for by the school district).

In 1989, the Legislature provided for a 4 percent increase in benefits for those who retired before July 1, 1988 (paid for by the school district).

In 1990, the Legislature provided for a 4 percent increase in benefits for those who retired before July 1, 1989 (again to be paid by the school district). The Legislature also permitted employees of the system who were employed prior to 1964 to begin a seven-year phase-out of the Social Security set-off.

Voters of the State of Kansas



*SWAM
February 7, 1991
Attachment 2*

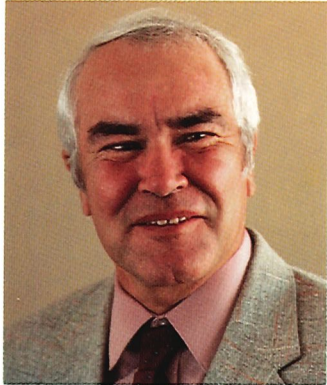
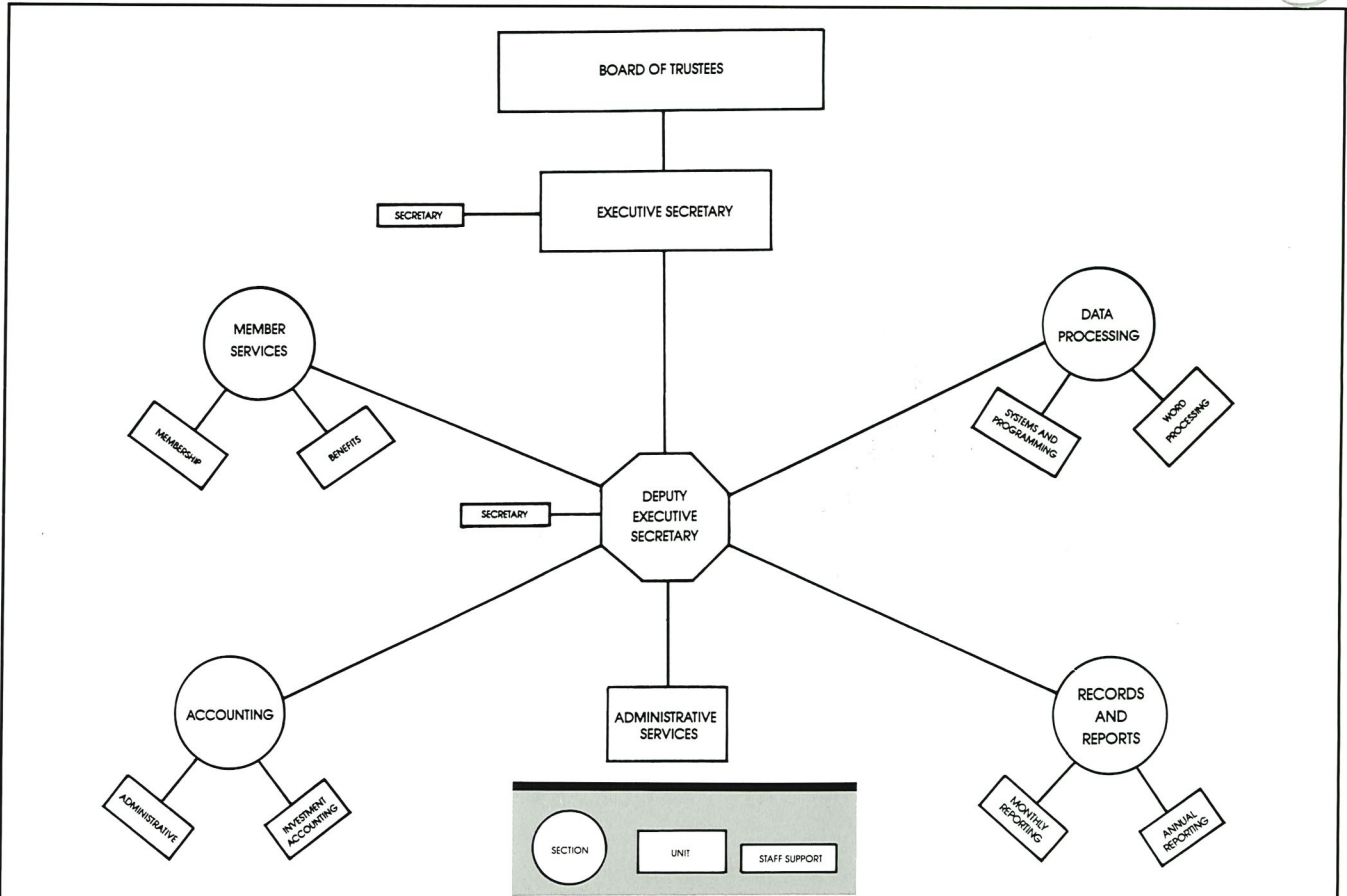
1985	1984	1983	1982	1981
2,107.6	1,818.6	1,585.3	1,370.10	1,129.50
32,675	31,762	30,906	29,813	28,678
1,984	1,892	2,076	2,092	1,884
102,100	102,327	103,878	102,304	101,846
1,078	1,064	1,053	1,044	1,026
92.7	78.8	71.8	59.60	54.70
74.6	69.7	65.6	29.80	56.20
99.1	102.5	99.7	102.90	105.80
219.5	160.2	192.3	107.70	114.20
393.2	332.4	357.6	270.50	276.20
271.3	226.2	262.5	183.40	196.70
4.60%	4.60%	4.80%	5.20%	5.50%
16.30%	20.80%	23.20%	22.39%	26.21%
4.40%	4.40%	4.50%	4.70%	5.20%
10.30%	10.40%	10.40%	15.60%	15.60%
64.5	57.50	38.70	89.00	84.60
227.7	217.20 ⁽³⁾	174.50	269.10	265.00
75.2	75.40	76.30	85.20	85.30
12.9	14.20	2.9	13.00	10.20
92.80%	92.70%	94.30%	85.80%	64.70%
80.80%	79.00%	79.70%	68.00%	65.30%
74.80%	71.40%	67.40%	59.80%	55.10%
29.70%	26.30%	82.40%	24.20%	25.10%
		32.20%		

(3) For 1984 includes the amount for KSRS annuitants which were combined with KPERS—School on July 1, 1984.

(4) KPERS Nonschool and KPERS School were combined.

(5) KPERS was divided into Sections—KPERS State/School and KPERS Local commencing in fiscal year 1988.

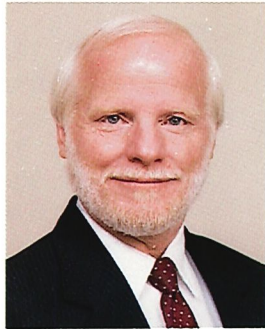
2-2



Jack Hawn
DEPUTY EXECUTIVE SECRETARY



Ron Bleidissel
ACCOUNTING



Jerry Grant
RECORDS AND REPORTS



Judy Lambert
MEMBER SERVICES



Ken Waters
DATA PROCESSING

Highlights

Last Ten Fiscal Years

	1990	1989	1988	1987	1986
TOTAL ASSETS (MILLIONS)	\$3,896.0	3,451.4	3,177.2	2,928.4	2,602.3
Number of Retirants	38,243	37,250	36,171	34,819	33,598
Number of New Retirants During the Year	2,262	2,323	2,640	2,345	2,148
Number of Active and Inactive Members	118,042	114,169	116,099	104,691	102,693
Number of Participating Employers	1,188	1,150	1,126	1,112	1,100
Retirement/Death Benefits (Millions)	\$ 168.0	151.5	135.1	118.6	106.4
Member Contributions (Millions)	\$ 112.4	97.4	95.0	91.3	83.1
Employer Contributions (Millions)	\$ 101.0	91.2	88.4	105.5	100.0
Investment Income (Millions)	\$ 390.7	230.3	231.0	322.1	394.7
Total Revenue (Millions)	\$ 604.1	419.0	414.6	518.9	577.8
Revenues in Excess of Expenses (Millions)	\$ 394.5	225.2	245.4	367.4	440.2
Employer Contribution Rate					
KPERS—State/School	3.10%	3.04%	3.04%	3.90%	4.30%
KPERS—Local	2.00%	3.04%	—	—	—
Average KP&F	13.10%	11.11%	19.00%	18.70%	18.90%
KPERS—School ⁽⁴⁾	—	—	3.04%	4.10%	4.00%
Judges	5.90%	5.90%	6.55%	8.70%	8.70%
Past Service Liability ⁽¹⁾					
KPERS—State/School (Millions)	\$ —	315.6%	294.2	310.70	72.1
KPERS Local	—	29.7%	25.6	—	—
KPERS—School (Millions)	—	—	—	—	230.9
KP&F (Millions)	—	69.6%	68.4	69.40	69.7
Judges (Millions)	—	3.4%	3.1	2.90	2.6
TIAA (Millions)	—	18.8%	15.8	15.80	15.3
Funding Ratios ⁽²⁾					
KPERS—State/School	—	87.3%	87.70%	87.90%	93.30%
KPERS/Local	—	93.9%	94.30%	—	—
KPERS—School	—	—	—	—	83.10%
KP&F	—	84.1%	83.20%	81.00%	79.80%
Judges	—	88.9%	89.30%	88.30%	89.20%
TIAA	—	21.6%	25.50%	24.10%	27.10%

(1) January 1, 1990 information will not be available until December, 1990.

(2) Funding ratios indicate the actuarial soundness of the system and are determined by dividing accumulated assets by the sum of accumulated assets plus unfunded past service liability. Decrease in funding 1980-1981 and 1983-1984 due to legislation which increased Past Service Liability.

REPORT OF THE JUDICIAL REDISTRICTING ADVISORY COMMITTEE
AS AMENDED AND APPROVED BY THE KANSAS JUDICIAL COUNCIL

JANUARY 17, 1991

SWAM
February 7, 1991
Attachment 3

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REPORT OF THE JUDICIAL REDISTRICTING ADVISORY COMMITTEE
AS AMENDED BY THE KANSAS JUDICIAL COUNCIL

SUMMARY OF REPORT

This study was requested by the Legislature and was conducted by the Judicial Council of Kansas through the use of an advisory committee. Although beginning as a study of judicial redistricting, the main focus of the study became allocation of judicial and nonjudicial personnel.

The committee found no problems with the present geographical configuration of the judicial districts, but did find an unequal and inefficient distribution of judicial and nonjudicial personnel. In addition, the committee rejected the concept of geographical pay differential for judges.

The committee recommends a professional study by the National Center for State Courts to assess the judicial and nonjudicial personnel needs of the state and recommends consideration of a number of statutory changes to allow the Supreme Court to more effectively exercise its administrative authority. Among the recommended statutory changes is the proposed amendment of K.S.A. 20-301b, the statute which requires a resident judge in each county.

For committee findings, see page 15 of this report and for committee recommendations, see page 28.

I. BACKGROUND OF STUDY

A. Request for Study

Unlike most studies requested of the Judicial Council, which are initiated by single requests, the judicial redistricting study was originated by multiple requests made over a period of time.

Reviewing these requests is important because their contents differed somewhat and in order to determine the scope of the requested study they must be read together.

In March of 1989, the House Appropriations Subcommittee on the Judicial Branch in its "Subcommittee Report" stated at page 5, in paragraph 7, the following:

"During the Subcommittee's review of the need for the additional judgeship in the 5th Judicial District, the subcommittee reviewed judicial caseloads, the allocation of judicial personnel, and the courts considerable use of temporary assignments. The Subcommittee believes that the data indicates that it may be time to consider the allocation of judicial personnel and the reappportionment of the judicial districts. The Subcommittee requests that the Judicial Council study this issue and make recommendations to the 1990 legislature."

In July of 1989, Representative Bill Bunten, chairman of the House Appropriations Committee, wrote Senator Paul Burke, then chairman of the Legislative Coordinating Council. In his letter Representative Bunten requested the LCC request the assistance of the Judicial Council with the study that was proposed by the House Subcommittee on the Judicial Branch. He quoted the above paragraph and noted that in the same report there was a recommendation the Judicial Council also study the

concept of compensating judges based on geographical location.

He closed his letter as follows:

"It is my understanding that since court unification, the Judicial Council has conducted judicial redistricting studies about every 10 years (i.e. 1968, 1979). It would appear that it is again time to conduct a study to determine whether any judicial reapportionment is desirable. Therefore I would request that the LCC request the Judicial Council to conduct a study of the current geographic configuration of the 31 judicial districts, as well as the issue of geographical pay differential for judges and submit a report to the legislature. I realize this is a significant undertaking and recognize that the study may not be completed by the next session of the legislature."

The July 21, 1989, minutes of the Legislative Coordinating Council contained the following:

"President Burke called the attention of the members of the council to a letter received from Representative Bill Bunten asking that the LCC request the Judicial Council to study the possible need for judicial redistricting and the allocation of judicial personnel together with certain other issues relating to the judicial branch of government."

The minutes of the LCC meeting stated that the matter was moved, seconded and passed.

At that point the usual course of business would have been for the Legislative Coordinating Council to write a letter formally requesting the Judicial Council to undertake the study. However, this did not happen and although the Judicial Council was aware that the LCC had taken action nothing more was heard until March of 1990.

The March 1990 report of the House Appropriations Subcommittee on the Judicial Branch stated at page 2, paragraph 1, the following:

"Due to miscommunication between the Legislative Coordinating Council and the Judicial Council, the judicial redistricting study that was requested by the subcommittee last session was not officially received by the Judicial Council and therefore the Council did not initiate this study. The subcommittee understands recently this oversight was discovered and the Judicial Council will begin the study as soon as possible. During the 1989 House Subcommittee's review of the need for the additional judgeship in the 5th judicial district, the subcommittee reviewed judicial caseloads, the allocation of judicial personnel and the courts considerable use of temporary judicial assignments. The subcommittee believed then, and is even more convinced a year later, that the data indicates that it is time to review the judicial districts and the allocation of judicial and nonjudicial personnel. The committee expects that the Judicial Council will conduct this study and the Council's recommendation should be available for consideration by the 1991 legislature."

Members of the subcommittee informed the Judicial Council staff that they would not be sending a formal request for the study and that the Council should consider the subcommittee requests, Representative Bunten's letter and the LCC minutes as comprising the request.

B. Acceptance by Judicial Council.

At its March 9, 1990 meeting the Judicial Council agreed to accept the study of judicial redistricting and the issues comprising the request.

C. Appointment of Committee.

At the June 8, 1990 meeting the Judicial Council discussed the study and the membership of the advisory committee. It was agreed that members should include district court judges, a district magistrate judge, a present or former appellate court judge, representatives of nonjudicial personnel, a person not involved in the legal system, a member of the House, a member of the Senate, a person who served on the JSAC committee, a person who served on the previous Judicial Council Judicial Redistricting Advisory Committee and one or more lawyers. It was also agreed that committee members should be from various areas of the state.

Invitations to serve on the committee were extended and accepted by the following persons who comprise the Judicial Redistricting Advisory Committee of the Judicial Council: David Prager, Chairman, Topeka, Chief Justice (retired); Steven P. Flood, Hays, district judge; Franklin D. Gaines, Augusta, state senator; Henry M. Helgerson Jr., Wichita, state representative; Marla J. Luckert, Topeka, lawyer; Emerson E. Lynn Jr., Iola, publisher; Leonard A. Mastroni, LaCrosse, district magistrate judge; Harold A. Pfalzgraf, Wellington, lawyer; Nelson E. Toburen, Pittsburg, district judge; Jeanne S. Turner, Emporia, clerk of the district court; Herbert W. Walton, Olathe, district judge and member of the Judicial Council; and Vergie Wente, Hoxie, clerk of the district court.

D. Scope of Study

After consideration of the various requests the committee defined the scope of the study as follows:

The Judicial Redistricting Advisory Committee of the Judicial Council agreed to study the current geographical configuration of the 31 judicial districts, consider the possible need for judicial redistricting and the allocation of judicial and nonjudicial personnel. In addition, the committee will study the "considerable use of temporary judicial assignments" and the concept of geographical pay differential for judges.

E. The Kansas Judicial System

There has been tremendous change in the Kansas court systems since statehood, especially during the last 30 years. The movement has been from fragmentation to unification.

The court system was unified by the legislature in 1976. Prior to 1976 the court system was fragmented and in addition to the district court and the supreme court, there were 105 probate courts, 105 county courts, 105 juvenile courts, eight city courts, five magistrate courts and one court of common pleas. In addition, there were 423 municipal courts, commonly known as police courts, with jurisdiction limited to violation of city ordinances. After unification, all of the trial level courts, with the exception of municipal courts, were unified into the district court.

There are four levels of courts in Kansas that handle various kinds of cases. The municipal courts deal with alleged violations of city ordinances committed within city limits. The cases usually involve traffic and other minor offenses. A person charged with an offense in municipal court may be represented by a lawyer. The judge hears cases without a jury. Anyone convict-

ed in municipal court may appeal to the district court of the county in which the municipal court is situated.

District courts are created by the Constitution. They are the trial courts of Kansas with general original jurisdiction over all civil and criminal cases, including domestic relations, damage suits, probate, guardianship, conservatorship, care of mentally ill, juvenile matters and small claims. It is in the district court that criminal and civil jury trials are held. Kansas is divided into 31 judicial districts, with varying numbers of judges in each district. In each county there is a district court and an office of the clerk of the court where cases may be filed.

Judges of the district court include district judges, of which there are 148, and district magistrate judges, of which there are 70. District judges must be lawyers and district magistrate judges may or may not be lawyers. The jurisdiction of district magistrate judges is broad but limited. There is at least one resident judge of the district court in each county.

The Supreme Court appoints a district judge as administrative judge for each judicial district. The administrative judge, in addition to his or her judicial responsibilities, has general control over the assignment of cases within the district and general supervisory authority over the clerical and administrative functions of the court.

The state is divided into six judicial departments, each of which includes several judicial districts. One justice of the supreme court serves as the departmental justice over each department. The departmental justice may assign judges from one judicial district to another.

Appeals may be taken from the district courts to the court of appeals or to the supreme court.

The Kansas Court of Appeals is located in Topeka in the Kansas Judicial Center and is an intermediate appellate court. The Court of Appeals hears all appeals from orders of the State Corporation Commission and all appeals from the district courts in both civil and criminal cases except those which may be appealed directly to the Supreme Court. It also has jurisdiction over original actions in habeas corpus.

The Court of Appeals may hear cases en banc (all 10 judges) but the court usually sits in panels of three. The Court of Appeals may sit anywhere in the state and, until the recent budget problems, regularly scheduled hearings in cities other than Topeka to reduce the cost of appellate litigation and to bring the appellate court "to the people".

The Kansas Supreme Court sits in Topeka, in the Kansas Judicial Center, and it is the state court of last resort. It hears direct appeals from the district courts in the most serious criminal cases and appeals in any case in which a statute has been held unconstitutional. It may review cases decided by the Court of Appeals, and may transfer cases from that court to the

Supreme Court. It also has original jurisdiction in several types of cases.

The Supreme Court, by constitutional mandate, has general administrative authority over all Kansas courts. Its rules govern appellate practice in the Supreme Court and the Court of Appeals and procedures in the district courts. Supreme Court rules also provide for the examination and admission of attorneys, set forth the code of professional responsibility which governs the conduct of attorneys, and include the canons of judicial ethics which governs the conduct of judges. Rules also provide for the examination and certification of official court reporters. The Supreme Court may discipline attorneys, judges and nonjudicial employees.

All of the nonjudicial employees of the Kansas court system are under a personnel plan adopted and administered by the Supreme Court. Personnel and payroll records of all court employees throughout the state are maintained in the Office of Judicial Administration. There are approximately 1500 nonjudicial employees of the Kansas court system. The Supreme Court adopts and submits to the Legislature an annual budget for the entire judicial branch of government.

The Kansas court system is recognized as one of the best state court systems in the United States and has received an award from the National Foundation for the Improvement of the Administration of Justice in the area of delay reduction and has been honored by the American Bar Association in the area of jury management.

II. APPROACH TO STUDY

The Judicial Council appointed an advisory committee consisting of interested persons with expertise from various areas of the state. The advisory committee members brought to the study their own experience and each served as a contact person in their area of the state for persons who wished to express an opinion to the committee.

The advisory committee held seven meetings beginning in July of 1990 and ending in January of 1991. These meetings were structured to encourage open discussion of the various issues relating to the study. The committee considered the "guiding principles" set forth by the 1981 Judicial Redistricting Advisory Committee and the "basic factors" used by the 1968 Judicial Redistricting Advisory Committee. The "guiding principles" are:

"Workload of the judges should be equalized, so far as possible.

Travel time of judges should be minimized so far as possible with a view toward making more efficient uses of judge's time and conserving energy.

Proposed changes should be made only to achieve a substantial step toward one or both of the above goals.

Every effort should be made to avoid unnecessarily changing districts which are functioning well.

The committee took notice of numerous other factors in considering the possible redistricting including: local trade areas; the origin of outside counsel practicing in the area; possible changes in location of judges' hometown; routes of travel of judges; population trends; caseload trends and traditional district lines."

(A copy of the 1981 Report is on file in the Judicial Council Office.)

The "basic factors" set out by the 1968 Committee are:

- a. Equalization of workload of district judges throughout the state with consideration given to such factors as necessary travel time in addition to actual caseload.
- b. Desirability of having all districts be multiple judge districts if provision can be made for nonpartisan selection and without eliminating incumbent judges.
- c. Utilization of all incumbent judges in the judicial service.
- d. Requiring express approval of the Chief Justice before new divisions of courts are established.
- e. Geographical accessibility of judges.
- f. Administrative feasibility.
- g. Some regard to traditional district lines.
- h. Retention of the administrative flexibility to allow for unusual situations effecting individual workloads."

(A copy of the 1968 Report is on file in the Judicial Council Office.)

The advisory committee sent out questionnaires to over 900 persons soliciting the opinions of the recipients or the groups they represented. There were two different questionnaires. One type was sent to persons involved in the judicial process (county or district attorneys, district court clerks, judges of the district court, the Board of Governors of the Kansas Bar Association, the President of each local or county bar association and district court administrators). The second type of questionnaire was sent to all county commissions, legislators and sheriffs in the state.

Approximately one-half of the questionnaires were returned. Copies of all questionnaires and attachments were provided to each member of the committee. (Copies of the questionnaires returned and a summary of the responses are on file in the Judicial Council Office.)

Although the style of the two questionnaires varied somewhat, each asked for opinions on the realignment of judicial districts, residence requirements for judges, district magistrate judges, judges pro tem, judicial assignments, nonjudicial personnel and judicial compensation. The questionnaires also asked for ideas to improve the judicial system, asked recipients to set forth the biggest problem they saw in the judicial system and provided an opportunity for other comments. In the cover letter that accompanied the questionnaire the committee invited persons, who so desired, to appear before the committee.

In addition to the questionnaires the committee received correspondence from many persons throughout the state on a variety of topics of interest to the committee. Copies of all letters received were circulated to each committee member. (Copies of committee correspondence are on file in the Judicial Council Office.)

A number of conferees appeared before the committee to present their personal views or their organization's point of view about matters under consideration: Judge Sam Bruner and Judge John W. White representing the Kansas District Judges Association; Lawyers Kenneth Clark, Stan Krysl, Elmo Lund and Tom Sullivan; Evelyn Gates of the Judicial Administrator's Office, at

the committee's request, to discuss the judicial branch personnel system; James R. James, Regional Director of the National Center for State Courts, at the committee's request; Judges Patricia Schremmer and James O'Conner representing the Kansas District Magistrate Judges Association.

In addition, Dr. Howard Schwartz, Judicial Administrator, attended several of the committee meetings and provided information to the committee. Lowell Long of the Judicial Administrator's Office, served as liaison between that office and the committee, attended each meeting and provided a great deal of information to the committee. It should also be noted that, while David Prager and Senator Frank Gaines are members of the committee, Justice Prager's presentation on the background of the judicial system in Kansas and Senator Gaines' insight into legislative thinking in certain areas were extremely helpful to the committee.

The committee also received research assistance from the Judicial Administrator's Office and from the Judicial Council staff. The committee is especially grateful to Lowell Long for the numerous memoranda he prepared on subjects requested by the committee. Also, research provided by Patricia Henshall and R.G. Henley of the Judicial Administrator's Office was helpful to the committee as were various memoranda prepared by the Judicial Council staff. In addition, there were publications borrowed from the National Center for State Courts that were available to the members. (Minutes of the committee meetings and other research materials are on file in the Judicial Council Office.)

III. ISSUES BEFORE THE COMMITTEE

The main issues before the committee were the need for judicial redistricting, the allocation of judicial and nonjudicial personnel, the "considerable use of temporary judicial assignments" and the concept of pay differential for judges.

As the study developed, other issues came to the attention of the committee. Some of the issues are addressed directly in the committee's recommendations and others are suggested for inclusion in the recommended study by the National Center for State Courts. These other questions that came before the committee are as follows:

How can the judicial districts best be organized on a district-wide basis?

How can changes be made that clarify and simplify the Supreme Court's authority to administer the judicial system?

Should some or all of the municipal courts be brought into the state court system?

Should the rulemaking authority of district courts be clarified as it relates to municipal courts?

If there is not a judge in each county, what procedures should be implemented to handle emergency matters that may arise?

Should a combination clerk/judge position be created in certain areas?

Should judges pro tem be utilized more widely?

Should the two tiered system of district judges and district magistrate judges be continued?

Should district magistrate judge positions be created in urban areas?

If the system is changed, should district magistrate judges be elected or retained on a district-wide basis?

If changes are made, should counties be allowed to pay a part of the salary in order to have a full-time district magistrate judge?

If there is some change in the number or location of judges or nonjudicial personnel, how can these positions best be created, shifted or terminated?

Should each judicial district have two district judges?

Should there be changes in the judicial districts which have two courthouses?

Should the Supreme Court appoint an ongoing committee to consider assignment of judicial and nonjudicial personnel throughout the system?

Should productivity studies be conducted on a regular basis in each judicial district?

Should the present method of assigning judges outside the judicial district be maintained?

Are the experience and abilities of retired justices and judges being utilized to the full extent possible?

IV. FINDINGS OF THE COMMITTEE

A. Summary of Findings

1. The present geographical configurations of the Judicial Districts require no change.
2. The present allocation of judges has resulted in an unequal and inefficient distribution of judicial personnel.
3. The present allocation of nonjudicial personnel has resulted in an unequal and inefficient distribution of nonjudicial personnel.
4. Long distance out-of-district assignments are not the most efficient use of judicial personnel.
5. The concept of geographical pay differentials for judges should not be implemented.
6. In order to have efficient administration of the judicial system, the Supreme Court should be given broad discretion in the areas of assignment of judicial and nonjudicial personnel and the creation and elimination of judicial and nonjudicial positions. The specific statutes which limit such discretion are impediments to judicial efficiency and should be amended or repealed.

B. Discussion of Findings

1. The present geographical configurations of the judicial districts require no change.

A study of judicial redistricting was last conducted by the Judicial Council during 1979 to 1981 with legislation which was drafted as a result of the study passed in 1982. The legislation made changes in judicial districts in Northwest Kansas and in the South central part of the state. Since that time the 31st judicial district in Southeast Kansas consisting of Allen, Neosho, Woodson and Wilson counties has been created. Prior to 1982 there had been a general redistricting of the judicial districts in 1968 and in 1895. (For present configuration of the judicial districts, see the Appendix attached to this report at page 36.)

The committee found no substantial complaints about the present geographical configuration of the judicial districts. In reaching this conclusion, individual committee members were polled and none had received any complaints about the geographical configuration of the judicial districts with which they are familiar. Committee members come from diverse areas of the state and, within the judicial system, there was substantial publicity about the formation and membership of this committee. Because the members have been contacted often about other matters, it was thought if there are problems in this area the members would have been contacted. In addition, Dr. Schwartz and Mr. Long reported to the committee that the Judicial Adminis-

trator's Office was not aware of complaints about the geographical configuration of the judicial districts.

The committee received correspondence from around the state on various subjects and there were no letters which recommended change in the geographical configuration of judicial districts. The committee reviewed the questionnaires which were sent to persons both inside and outside of the judicial system. Of the 439 questionnaires returned, there were only three specific proposals recommending judicial redistricting. These matters were considered by the committee and were thought to either be without merit or have marginal impact.

Representatives of the Kansas District Judges Association and the Kansas District Magistrate Judges Association appeared before the committee and reported on their associations' positions on the questions contained in the questionnaire. The specific question relating to configuration of judicial districts was discussed with these persons and there was no suggestion from either association that the geographical configuration of judicial districts should be changed.

Additionally, the committee reviewed the reports of the previous judicial redistricting studies, including not only the Judicial Council studies that resulted in legislation in 1968 and 1982, but studies in the 1940's and the 1950's conducted by the Legislative Council. The committee reviewed proposals considered by those studies, but not implemented, and found none of those to have merit at this time. (Copies of the previous studies are on file in the Judicial Council Office.)

In summary, it is the opinion of the committee that no change in the geographical configuration of the judicial districts is necessary. It is possible that if there are substantial changes in the allocation of judicial or nonjudicial personnel, the geographical configuration of the districts might need to be reviewed at a later time.

2. The present allocation of judges has resulted in an unequal and inefficient distribution of judicial personnel.

It is the opinion of the committee that some judicial districts have more judges than are needed and other judicial districts have fewer than are needed.

In forming this opinion, the committee members considered available statistics, reports, testimony, correspondence and their own knowledge of the situation. The committee considered statistics provided by the Judicial Administrator's Office which included the "Statistical Comparison as of June 30, 1989". (See Appendix attached to this report at page 37.) In that compilation the following county statistics appeared:

<u>County</u>	<u>Cases Per Judge</u>
Sumner	5,298
McPherson	4,852
Reno	4,443
Russell	4,383
State Average	2,060
Stanton	335
Greeley	279
Wallace	243
Morton	189

In the committee's opinion, numbers such as these show that the judicial personnel of the state may not be efficiently distributed. It is recognized by the committee that these numbers are extremes, travel time may be involved, some cases require more time than others, judges with the higher caseloads may have outside help and judges with the lowest caseloads may be helping outside of their county.

From the same source, caseloads of the judicial districts on a per judge basis are as follows:

<u>Judicial District</u>	<u>Cases Per Judge</u>
5th (Chase & Lyon)	3,591
9th (Harvey & McPherson)	3,252
18th (Sedgwick)	2,815
8th (Dickinson, Geary, Marion & Morris)	2,588
30th (Barber, Harper, Kingman Pratt & Sumner)	2,588
State Average	2,060
12th (Cloud, Jewell, Lincoln, Mitchell Republic & Washington)	1,128
22nd (Brown, Doniphan, Marshall & Nemaha,	1,089
26th (Grant, Haskell, Morton, Seward, Stanton & Stevens)	933
24th (Edwards, Hodgeman, Lane, Ness, Pawnee & Rush)	770

It should be noted that in 1990, the 5th judicial district received authorization for another district judge. These numbers show extremes and despite the fact that there may be partial explanations for some of the differences, statistics such as these demonstrate the need to consider the distribution of the judicial officers of the state.

In considering the number of jury trials per county in judicial districts, the committee relied on material prepared by the Judicial Administrator's Office which set forth the number of jury trials per county per judicial district for fiscal years 1987, 1988, 1989 and 1990. (See Appendix attached to this report at page 41.) It was noted by the committee that in the past four years, 44 counties have had fewer than 10 jury trials during that period. Seven counties have had over 100 jury trials, four counties have had over 500 jury trials and 1 county has had over 1,000 jury trials. The average number of jury trials per year ranges from 1/4 of a jury trial per judge per year to approximately 11 jury trials per judge per year. In the fiscal year ending June 30, 1990, twenty-one counties did not have a civil or criminal jury trial.

The committee also considered the 1989 State of the Judiciary Report of the 10th Judicial District, Johnson County, Kansas. (A copy of this report is on file in the Judicial Council Office.) This report indicates there are significant differences in judicial staffing among the four largest judicial districts of the state. If the committee had only considered those judicial districts it still could have reached the conclusion that there is an imbalance in the distribution of judges among the judicial districts. The report begins by citing the Institute for Public Policy and Business Research of the University of Kansas projected population figures which indicate that by the year 2000, Johnson County will be the largest county in the state. The report also sets forth the

number of judges and population per judge of the four largest counties as follows:

<u>County</u>	<u>1990 Population</u>	<u>No. of Judges</u>	<u>Population Per Judge</u>
Johnson	359,826	16	22,489
Sedgwick	400,450	24	16,685
Shawnee	163,257	13	12,558
Wyandotte	174,635	16	10,914

The report points out that Johnson County, which has more than twice the population of Wyandotte County, has the same number of district court judges as Wyandotte County and the terminations of major cases per judge are higher in Johnson County than any of the other urban districts. The report states Johnson County has higher filings of major cases per judge than other urban districts and that Johnson County has a higher number of pending cases per judge than other urban districts.

The committee recognizes that there are differences in statistics and the report considers major cases while other reports consider all cases, but it is the opinion of the committee the distribution of judges could be improved.

Testimony and correspondence received by the committee indicated persons in the system believe there are inequities among judicial districts in regard to the distribution of judicial personnel. Members of the committee have repeated conversations they have had with persons who say that their judicial districts have either too few or too many judges.

Based on the available information, the committee reached its conclusion relating to allocation of judges. Unfortunately, the committee does not have the time or the

funding to travel to each judicial district and consider the local factors that may cause differences in judicial staffing to appear more significant than they may be.

The committee recommends that a contract with the National Center for State Courts be entered into for the purpose of studying and analyzing the judicial and nonjudicial personnel needs of the judicial districts and other matters. For a discussion of the recommendation see section V.B.3. of this report. (A sample of a report done by the National Center for State Courts is on file in the Judicial Council Office.)

3. The present allocation of nonjudicial personnel has resulted in an unequal and inefficient distribution of nonjudicial personnel.

The committee's finding in the area of nonjudicial personnel is similar to the finding in the area of judges and is reached for many of the same reasons. Nonjudicial personnel are clerks, court services officers, court reporters, child support enforcement clerks, district court administrators, administrative assistants, secretaries, transcriptionists, data processing clerks and law clerks who work for the judicial branch. It appears to the committee that there was an imbalance among the districts in the number of nonjudicial personnel coming into the system at the time of unification, there has been difficulty in eliminating positions, and there has been reluctance by the Legislature to fund positions.

In considering the allocation of nonjudicial personnel around the state, the committee looked at many of the same factors that were previously reviewed in the discussion of judges. The committee noted from statistics prepared by the Judicial Administrator's Office that the number of cases per clerk ranges from a high of almost 1,000 in the 23rd judicial district (Ellis, Gove, Rooks and Trego Counties) to a low of less than 300 in the 22nd judicial district (Brown, Doniphan, Marshall and Nemaha Counties) with the state average being 426. (See Appendix attached to this report at page 37.) While the committee recognizes that not all cases require the same amount of clerk time, it is noted by the committee that this difference is enough to merit further consideration. The committee also noted that in the previously cited 1989 State of the Judiciary Report of the 10th Judicial District, at page 8, the report concludes that Johnson County lags behind other urban districts in needed staff:

"In spite of our large caseload and higher population we have the following staff comparisons:

<u>District</u>	<u>No. of Employees</u>	<u>Population</u>
29th (Wyandotte)	136.0	174,635
10th (Johnson)	138.5	359,826
3rd (Shawnee)	147.5	163,257
18th (Sedgwick)	213.0	450,000

Shawnee County, with less than half the population and with a smaller caseload, has nine more employees. Sedgwick County, with a population of approximately 40,000 more than Johnson County, has 75 more employees."

The committee has been informed there could be substantial savings by reducing the number of nonjudicial personnel in certain judicial districts. (For an example of such potential savings see Appendix attached to this report, at page 55, for comments of one administrative judge.)

Committee members reported their experience from working on "productivity reviews" has demonstrated there are some judicial districts which have more clerks than needed and other judicial districts which have fewer clerks than needed. Members of the committee who have discussed the subject with persons living in their area of the state stated they have reached similar conclusions.

After gathering information over a period of approximately seven months, the committee is of the opinion there are judicial districts which appear to have more nonjudicial personnel than required and judicial districts which appear to have fewer nonjudicial personnel than required.

The committee has heard discussion that some judges lack necessary support staff. This problem should be addressed.

The committee recommends that a contract be entered into with the National Center for State Courts to study and analyze the judicial and nonjudicial personnel needs of the judicial districts and other matters. (See section V.B.3. of this report.)

4. Long distance out-of-district assignments are not the most efficient use of judicial personnel.

In the request for this study, "considerable use of temporary judicial assignments" was included as a matter for consideration. The Legislature questioned the necessity of long distance out-of-district assignments.

Information from the Office of Judicial Administration indicates that in the past few years, especially since the implementation of the time standards, the judicial branch has worked hard to be sure the business of the courts is taken care of in an expeditious manner. Out-of-district assignments are made to assist in the timely disposition of cases.

Out-of-district assignments have been used in an effort to assist judicial districts which may be behind in their disposition of cases and when judges are ill, on vacation, or recused. Some District magistrate judges have been assigned on a regular basis to certain urban areas. An effort has been made to make good use of retired district judges that are willing to hear cases in making these assignments.

There are standing out-of-district assignments in the three districts in northwest Kansas, and between the 9th (Harvey and McPherson Counties) and 28th (Ottawa and Saline Counties) judicial districts and between the 12th (Cloud, Jewell, Lincoln, Mitchell, Republic and Washington Counties) and 28th judicial districts. These standing assignments allow the districts involved to meet their needs without requiring individual assignments in every instance.

The committee recognizes that the judicial branch works under the constraints of the current system, however, the committee is of the opinion that long distance out-of-district assignments are not the most efficient allocation of judicial resources.

If each district of the state functioned on a district-wide basis, as opposed to a county-wide basis, and had the ideal number of judges for the workload of the district, there would be a reduction in the necessity for temporary judicial assignments.

5. The concept of geographical pay differentials for judges should not be implemented.

As part of the study the committee was requested to consider geographical pay differentials for judges. In considering this matter, the committee initially sought information about the cost-of-living in various areas of Kansas. Unfortunately, the "CPI Detailed Report" from the U.S. Department of Labor, Bureau of Labor Statistics, Division of Consumer Products and Price Indices (A copy of this publication is on file in the Judicial Council Office.) contains only cost-of-living from 85 urban areas across the country. The only other cost-of-living index which the committee was able to obtain was prepared by the American Chamber of Commerce Researchers Association. This index compiles comparative data for 284 urban areas and includes in its publication nonmetropolitan areas which voluntarily provide the information. The index is done quarterly and purports to:

"Provide a useful and reasonably accurate measuring of living cost differences among urban areas. Items on which the index is based have been carefully chosen to reflect the different categories of consumer expenditures. Weights assigned to

relative cost are based on government survey data on expenditure patterns for mid-management households. Our items are priced in each place at a specified time and according to standardized specifications."

The ACCRA cost-of-living index reports on the following areas in Kansas:

<u>City or Area</u>	<u>Cost-of-Living Index</u>
Garden City	90.8
Great Bend	89.6
Hays	89.9
Kansas City (MO & KS)	94.8
Lawrence	99.3
Salina	88.9
Wichita	98.4

While the committee had differences of opinion and spirited discussions about the cost of living in the various areas, the above was the only "hard data" available. (A copy of the index is on file in the Judicial Council Office.)

Proponents of cost of living based on a geographical basis note that many other states pay their judges on such a basis. The Survey of Judicial Salaries published by the National Center for State Courts in November 1989 indicates that as of January 1, 1990, Alabama, Alaska, Georgia, Indiana, Michigan, Ohio, Oklahoma, Pennsylvania and Texas all have some form of compensation either based on location, population or local supplements. (A copy of the survey is on file in the Judicial Council Office.)

The "Report of the Kansas Judicial Study Advisory Committee - Recommendations for Improving the Kansas Judicial System" (A copy of the report is on file in the Judicial Council Office.) which was published in May of 1974, in recommendation 68, at page 386, included the following finding:

"The committee has recommended that the salaries of district judges be increased substantially and the associate district judges receive compensation almost equal to that of district judges. In view of these recommendations, the present differential between the salaries of urban and rural district judges ought to be eliminated. (Presently, the judges in Wyandotte, Sedgwick, Shawnee and Johnson counties receive compensation from the counties over and above the state funded district judges' salary)."

It was also argued that as a matter of fairness, if salary differentials in various parts of the state are a good idea, not only should they be provided to judges but to nonjudicial personnel or to all state employees.

The committee reached the conclusion that the concept of geographical pay differentials for judges should not be implemented.

6. In order to have efficient administration of the judicial system the Supreme Court should be given broad discretion in the areas of assignment of judicial and nonjudicial positions. The specific statutes which limit such discretion are impediments to judicial efficiency and should be amended or repealed.

(For a listing of these statutes see section V.B.1. of this report.)

V. RECOMMENDATIONS

A. Summary of Recommendations

1. Statutory changes be made to allow the Supreme Court to more effectively exercise its authority to administer the Judicial Branch of government.

2. K.S.A. 20-301b not be repealed at this time. K.S.A. 20-301b be amended to authorize the Kansas Supreme Court to allocate judicial personnel upon receipt and review by the Court of a study by the National Center for State Courts, funded by the Legislature, regarding allocation of judicial and nonjudicial resources and the effective administration of justice in the state.
3. A contract be entered into with an organization the National Center for State Courts to study judicial and nonjudicial personnel needs of the judicial districts and other matters.
4. The Supreme Court establish an ongoing committee to advise it in the area of allocation of judicial and nonjudicial personnel.

B. Discussion of Recommendations.

1. Statutory changes be made to allow the Supreme Court to more effectively exercise its authority to administer the Judicial Branch of government.

The committee is of the opinion that the authority of the Supreme Court to administer the Judicial Branch should be clarified.

It is recommended that statutes be changed to: amend the one judge per county requirement; remove residence requirements for judges; allow the Supreme Court to create, shift or eliminate nonjudicial positions and allow the Supreme Court to create, shift or eliminate judicial positions. In addition, the committee recommends elimination of statutory provisions which require two courthouses in any county. (Legislation is being prepared by the Revisor of Statutes Office and will be introduced into the 1991 legislative session.)

The committee recommends that the following statutes be amended or repealed: 4-202, 4-203, 4-204, 4-205, 4-206, 4-207, 4-208, 4-209, 4-210, 4-211, 4-212, 4-213, 4-214, 4-215, 4-216,

4-217, 4-218, 4-219, 4-220, 4-221, 4-222, 4-223a, 4-224, 4-225, 4-226, 4-227, 4-228, 4-229, 4-230, 4-231, 4-232, 20-101, 20-162, 20-301b, 20-331, 20-334, 20-336, 20-338, 20-354, 20-354a, 20-355, 20-364, 20-3107, 20-3108, 20-3109 and 20-3110. The committee acknowledges that amendment of other applicable statutes may also be necessary

2. K.S.A. 20-301b not be repealed at this time. K.S.A. 20-301b be amended to authorize the Kansas Supreme Court to allocate judicial personnel upon receipt and review by the Court of a study by the National Center for State Courts, funded by the Legislature, regarding allocation of judicial and nonjudicial resources and the effective administration of justice in the state.

[Editor's Note: This recommendation was added by the Judicial Council during its consideration of the Judicial Redistricting Advisory Committee's Report. The advisory committee had recommended K.S.A. 20-301b be repealed. In addition, the advisory committee had recommended that the study be conducted by ". . . an organization such as the National Center for State Courts". The Judicial Council recommendation is that the study be conducted by the National Center for State Courts.

Material which reflects the view of the advisory committee on K.S.A. 20-301b, prior to the action of the Judicial Council, is included in the Appendix attached to this report at page 59. Also, see the Appendix attached to this report at page 62 for a minority report, signed by two committee members, which took issue with the recommendation of the advisory committee to repeal K.S.A. 20-301b.]

3. A contract be entered into with the National Center for State Courts to study judicial and nonjudicial personnel needs of the judicial districts and other matters.

It is the opinion of the committee that the recommendation for an outside group to study the judicial and nonjudicial personnel needs of the judicial districts is justified on the

basis of the potential savings for the state and because of the improvement to the judicial system that an appropriate distribution of judicial and nonjudicial personnel would bring. The committee discussed the possibility that such study could be accomplished by the Judicial Council or the Judicial Administrator. It was decided that the Judicial Council did not have adequate resources to conduct such a study. It was also decided that, while the Judicial Administrator had the expertise to conduct such a study, it would strain the staff of the judicial administrator and the time frame required for the judicial administrator to accomplish such a study would be lengthy. It was also the advice of the legislative members of the committee that a professional organization conducting such a study would have more credibility with the legislature than an "in-house" study. They also advised that it is not uncommon for the legislature to fund such studies.

The committee recommends the National Center for State Courts (NCSC) conduct the study. The committee is familiar with the work of the NCSC. The NCSC has provided a copy of a similar study to the committee and the NCSC has conducted a number of such studies. James R. James, former Clerk of the Kansas Supreme Court and former Kansas Judicial Administrator heads the regional office of the NCSC and a number of persons on the NCSC staff were active in the preparation of the JSAC report. It is thought the variety of necessary experts on the NCSC staff would allow such a study to be conducted in a relatively short time frame.

The committee recommends that the study utilize the resources of the Office of Judicial Administration. It's the opinion of the committee that much of the information required for the study is available through the OJA. It is the belief of the committee that utilizing the expertise of the OJA would expedite the study and reduce costs.

It is also recommended that the study be organized in a similar manner to the JSAC study and an advisory committee be appointed to work with the study agency. This advisory committee could assist in policy matters. It is also suggested that a sufficient number of persons from the judicial system be involved so the knowledge gained by these persons could enable them to become initial members of a committee which will advise the Supreme Court on a continuing basis on matters relating to judicial and nonjudicial personnel.

It is recommended by the committee that this be a "hands-on" study and that the NCSC spend time in each judicial district and recommend the most efficient and appropriate distribution of judges and nonjudicial personnel for the state.

In addition to consideration of allocation of judicial and nonjudicial personnel, the committee recommends the NCSC consider the following issues:

1. Recommendations which would allow the court system to operate on a district-wide basis.
2. Desirable changes in the geographic configuration of the judicial districts, if proposals relating to judges and nonjudicial personnel are enacted.

3. Bringing certain municipal courts into the state court system and observations relating to present rule making authority of the district courts in regard to the municipal courts.
4. Observations in the areas of technology, discussing potential applications in the judicial branch, especially as to how application of technology could effect the distribution of judicial and nonjudicial personnel.
5. Observations on the possible role and organization of the proposed ongoing committee on judicial and nonjudicial personnel.
6. The issue of the various counties with two court-houses in each county and the cost thereof.
7. Various matters relating to district magistrate judges including observations about the two tiered system of district judges and district magistrate judges and consideration of the possibility of a judge-clerk position or use of clerks as judges pro tem. In the event that the distribution of district magistrate judges is changed, consideration of how these positions can best be moved, eliminated or phased-out, as the case may be, and consideration of whether the district magistrate judges should be elected or retained on a district-wide basis.
8. Observations about the regular conduct of productivity reviews, the present method of assigning judges outside the judicial district and the present use of retired justices and judges.
9. Development of a list of factors to be considered in the allocation of judicial and nonjudicial personnel.

It is recommended that the Legislature adequately fund such a study and its implementation.

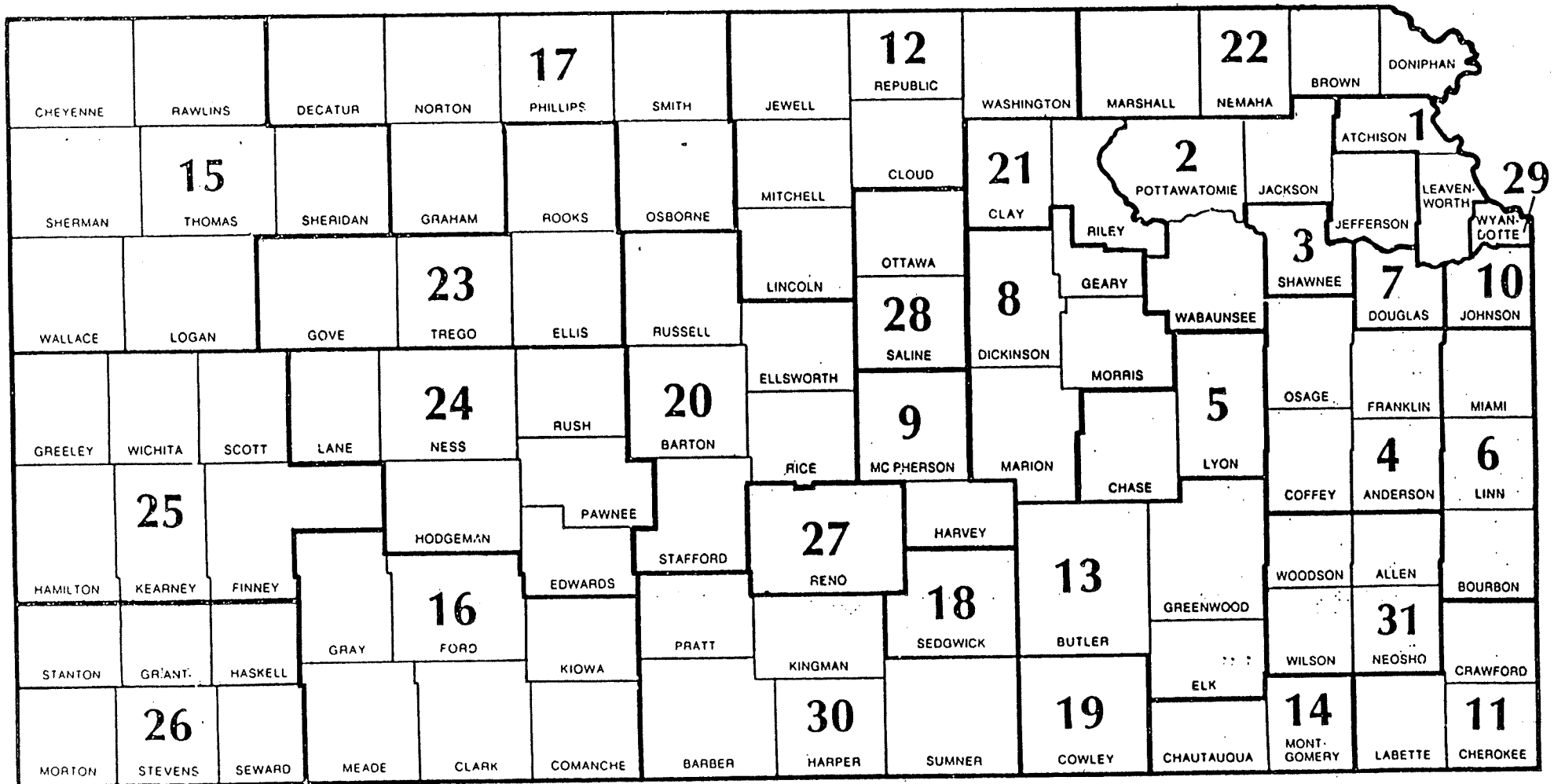
4. The Supreme Court establish an ongoing committee to advise it in the area of allocation of judicial and nonjudicial personnel.

This recommendation is self-explanatory, and is discussed in recommendation 3. It is logical that persons who gain expertise by working with the study organization considering

the distribution of judicial and nonjudicial personnel could be initial members of the committee formed to advise the Supreme Court in this area.

A P P E N D I X

Kansas Judicial Districts (31)



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STATISTICAL COMPARISON
as of June 30, 1989

<u>District</u>	<u>County</u>	<u>Population</u>	<u>Caseload</u>	<u>Judges</u>	<u>Clerks</u>	<u>C/J</u>	<u>C/C</u>
18	Sedgwick	402,100	67,559	24	157	2815	430
10	Johnson	345,700	34,191	16	100.5	2137	340
29	Wyandotte	172,800	36,115	16	94	2257	384
3	Shawnee	164,800	30,156	13	102	2320	296
11	<u>DISTRICT</u>	<u>84,400</u>	<u>10,379</u>	<u>7</u>	<u>27.8</u>	<u>1483</u>	<u>373</u>
	Cherokee	22,100	2,902	2	6	1451	484
	Crawford	37,100	4,294	3	12.3	1431	349
	Labette	25,200	3,183	2	9.5	1592	335
1	<u>DISTRICT</u>	<u>84,300</u>	<u>8,208</u>	<u>5</u>	<u>27.5</u>	<u>1642</u>	<u>298</u>
	Atchison	17,800	2,297	2	9.5	1144	242
	Leavenworth	66,500	5,911	3	18	1970	328
7	Douglas	76,500	8,573	4	23.5	2143	365
21	<u>DISTRICT</u>	<u>71,800</u>	<u>8,055</u>	<u>4</u>	<u>19.5</u>	<u>2014</u>	<u>413</u>
	Clay	9,100	1,146	1	3	1146	382
	Riley	62,700	6,909	3	16.5	2303	419
8	<u>DISTRICT</u>	<u>68,600</u>	<u>15,529</u>	<u>6</u>	<u>34</u>	<u>2588</u>	<u>457</u>
	Dickinson	20,100	3,548	2	8	1774	444
	Geary	29,200	7,068	2	19	3534	372
	Marion	12,800	3,416	1	4	3416	854
	Morris	6,500	1,497	1	3	1497	499
27	Reno	64,700	17,772	4	20	4443	887
13	<u>DISTRICT</u>	<u>61,600</u>	<u>9,876</u>	<u>5</u>	<u>25</u>	<u>1975</u>	<u>395</u>
	Butler	50,200	6,455	2	17	3228	380
	Elk	3,500	770	1	2	770	385
	Greenwood	7,900	2,651	2	6	1325	442
20	<u>DISTRICT</u>	<u>60,600</u>	<u>17,410</u>	<u>7</u>	<u>34.5</u>	<u>2487</u>	<u>505</u>
	Barton	30,300	4,982	2	18	2491	277
	Ellsworth	6,200	4,529	1	4	4529	1132
	Stafford	5,300	1,475	2	3	738	492
	Rice	10,900	2,041	1	4.5	2041	454
	Russell	7,900	4,383	1	5	4383	877
30	<u>DISTRICT</u>	<u>58,200</u>	<u>20,705</u>	<u>8</u>	<u>29.7</u>	<u>2588</u>	<u>357</u>
	Barber	6,300	1,654	1	3	1654	551
	Harper	7,300	2,043	1	4	2043	511
	Kingman	8,800	3,716	2	3	1858	1239
	Pratt	10,200	2,696	2	9.7	1348	278
	Sumner	25,600	10,596	2	10	5298	1060

Statistical Comparison
page 2

<u>District</u>	<u>County</u>	<u>Population</u>	<u>Caseload</u>	<u>Judges</u>	<u>Clerks</u>	<u>C/J</u>	<u>C/C</u>
9	<u>DISTRICT</u>	<u>57,900</u>	<u>9,756</u>	<u>3</u>	<u>18</u>	<u>3252</u>	<u>542</u>
	Harvey	30,800	4,904	2	10.5	2452	467
	McPherson	27,100	4,852	1	7.5	4852	647
28	<u>DISTRICT</u>	<u>55,800</u>	<u>11,321</u>	<u>5</u>	<u>29</u>	<u>2264</u>	<u>390</u>
	Ottawa	5,800	1,616	1	3	1616	539
	Saline	50,000	9,705	4	26	2426	373
4	<u>DISTRICT</u>	<u>55,600</u>	<u>11,299</u>	<u>5</u>	<u>26</u>	<u>2260</u>	<u>435</u>
	Anderson	8,200	1,313	1	6	1313	219
	Coffey	8,800	2,671	1	4	2671	668
	Franklin	22,500	3,609	2	11	1805	328
	Osage	16,100	3,706	1	5	3706	741
2	<u>DISTRICT</u>	<u>51,700</u>	<u>10,239</u>	<u>5</u>	<u>16</u>	<u>2048</u>	<u>640</u>
	Jackson	11,800	1,735	1	4	1735	434
	Jefferson	16,900	3,070	2	4	1535	768
	Pottawatomie	16,300	2,100	1	5	2100	420
	Wabaunsee	6,700	3,334	1	3	3334	1111
31	<u>DISTRICT</u>	<u>48,300</u>	<u>9,976</u>	<u>5</u>	<u>21</u>	<u>1992</u>	<u>475</u>
	Allen	15,000	2,265	2	7	1133	324
	Neosho	18,100	3,266	1	8	3266	408
	Wilson	11,200	2,616	1	4	2616	654
	Woodson	4,000	1,829	1	2	1829	915
6	<u>DISTRICT</u>	<u>47,400</u>	<u>8,483</u>	<u>4</u>	<u>18</u>	<u>2121</u>	<u>471</u>
	Bourbon	15,200	2,383	2	6	1192	397
	Linn	8,300	1,668	1	4	1668	417
	Miami	23,900	4,432	1	8	4432	554
25	<u>DISTRICT</u>	<u>47,200</u>	<u>11,662</u>	<u>8</u>	<u>26</u>	<u>1458</u>	<u>449</u>
	Finney	30,900	7,345	3	17.5	2448	420
	Greeley	1,700	279	1	1.5	279	186
	Hamilton	2,300	805	1	1.5	805	537
	Kearny	4,000	1,294	1	2	1294	647
	Scott	5,400	1,461	1	2	1461	731
	Wichita	2,900	478	1	1.5	478	319
14	<u>DISTRICT</u>	<u>45,400</u>	<u>5,980</u>	<u>4</u>	<u>17</u>	<u>1495</u>	<u>352</u>
	Chautauqua	4,500	681	1	3	681	227
	Montgomery	40,900	5,299	3	14	1766	379

Statistical Comparison

3

<u>District</u>	<u>County</u>	<u>Population</u>	<u>Caseload</u>	<u>Judges</u>	<u>Clerks</u>	<u>C/J</u>	<u>C/C</u>
16	<u>DISTRICT</u>	<u>44,300</u>	<u>10,681</u>	<u>7</u>	<u>25</u>	<u>1526</u>	<u>427</u>
	Clark	2,500	705	1	1.5		470
	Comanche	2,400	290	1	1.5		193
	Ford	25,900	5,317	2	14.5	2659	367
	Gray	5,500	1,538	1	3	1538	513
	Kiowa	3,600	1,320	1	2	1320	660
	Meade	4,400	1,511	1	2.5	1511	604
22	<u>DISTRICT</u>	<u>43,500</u>	<u>5,446</u>	<u>5</u>	<u>19.3</u>	<u>1089</u>	<u>282</u>
	Brown	11,400	1,666	1	7.5	1666	222
	Doniphan	9,000	868	1	2.5	868	347
	Marshall	12,300	1,351	2	5.8	681	235
	Nemaha	10,800	1,551	1	3.5	1551	443
12	<u>DISTRICT</u>	<u>41,100</u>	<u>7,895</u>	<u>7</u>	<u>17.5</u>	<u>1128</u>	<u>451</u>
	Cloud	11,400	2,169	2	5	1085	434
	Jewell	4,400	554	1	2	554	277
	Lincoln	3,500	631	1	2	631	316
	Mitchell	7,400	1,007	1	2.5	1007	403
	Republic	6,900	2,436	1	3	2436	812
	Washington	7,500	1,098	1	3	1098	366
26	<u>DISTRICT</u>	<u>40,100</u>	<u>6,531</u>	<u>7</u>	<u>20</u>	<u>933</u>	<u>327</u>
	Grant	6,900	844	1	3.0	844	281
	Haskell	3,900	888	1	2	888	444
	Morton	3,500	378	2	1.5	189	252
	Seward	18,500	3,292	1	10	3292	329
	Stanton	2,400	335	1	1.5	335	223
	Stevens	4,900	794	1	2	794	397
23	<u>DISTRICT</u>	<u>40,000</u>	<u>13,944</u>	<u>5</u>	<u>14</u>	<u>2789</u>	<u>996</u>
	Ellis	26,500	7,077	2	7	3539	1011
	Gove	3,400	2,038	1	2	2038	1019
	Rooks	6,200	1,445	1	3	1445	482
	Trego	3,900	3,384	1	2	3384	1692
5	<u>DISTRICT</u>	<u>37,900</u>	<u>10,772</u>	<u>3</u>	<u>20</u>	<u>3591</u>	<u>539</u>
	Chase	3,100	2,973	1	2	2973	1487
	Lyon	34,800	7,799	2*	18	3900	433
19	Cowley	37,300	5,970	3	13	1990	459

Statistical Comparison
page 4

<u>District</u>	<u>County</u>	<u>Population</u>	<u>Caseload</u>	<u>Judges</u>	<u>Clerks</u>	<u>C/J</u>	<u>C/C</u>
17	<u>DISTRICT</u>	<u>31,300</u>	<u>8,163</u>	<u>7</u>	<u>16</u>	<u>1166</u>	<u>510</u>
	Decatur	4,100	1,265	1	2	1265	633
	Graham	3,600	584	1	2.5	584	234
	Norton	6,200	2,250	2	5	1125	450
	Osborne	5,200	1,044	1	2	1044	522
	Phillips	6,900	1,840	1	2	1840	920
	Smith	5,300	1,180	1	2.5	1180	472
	15	<u>DISTRICT</u>	<u>30,600</u>	<u>9,071</u>	<u>8</u>	<u>19.2</u>	<u>1134</u>
Cheyenne	3,400	375	1	1.5	375	250	
Logan	3,100	832	1	2.5	832	333	
Rawlins	3,700	429	1	2	429	215	
Sheridan	3,200	487	1	2.7	487	180	
Sherman	6,800	3,749	2	5	1875	750	
Thomas	8,400	2,956	1	4	2956	739	
Wallace	2,000	243	1	1.5	243	162	
24	<u>DISTRICT</u>	<u>24,000</u>	<u>5,390</u>	<u>7</u>	<u>18.5</u>	<u>770</u>	<u>291</u>
	Edwards	3,900	738	1	4	738	185
	Hodgeman	2,200	420	1	1.5	420	280
	Lane	2,400	404	1	1.5	404	269
	Ness	4,200	926	1	2.5	926	370
	Pawnee	7,500	2,214	2	7	1107	316
	Rush	3,800	688	1	2	688	344
	State	2,495,500	447,107	217*	1048.5	2060	426

*One judge added to 5th Judicial District in 1990.



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612-1507

(913) 296-2256

October 10, 1990

Hon. David Prager, Chairman
Judicial Council Redistricting Committee
Kansas Judicial Center

Attention Randy Hearrell

Dear Chief:

As requested, I have had prepared a detailed breakdown of the non-judicial employees in the court system. This data is attached hereto.

The first column shows the total number of non-judicial full-time equivalent positions in each county; the final column shows the number of such positions allocated to the clerks office. The intervening columns show, in sequence, the number of C.S.O. positions, the number of court reporters, the number assigned to child support functions, and the next to last column shows the number placed in "other" category. The footnote at the end of this exhibit shows positions allocated to this category. Statewide totals for each category of employee are shown on the last page.

Where a court sits at two different locations in a single county, and we have 5 such situations, there is a breakdown of the number of clerical employees at each of these locations.

If you set aside the four urban counties for the moment, the following table reflects the statewide distribution of clerical employees assigned to the clerks office.

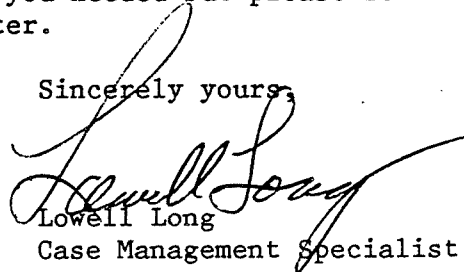
<u>Number of Employees</u>	<u>Number of Counties</u>
10-15	9
5-9	16
Under 5	76

Of the 76 number, there are 32 counties that have either 1.5 or 2 employees authorized for the clerks office.

Chief Prager, Chairman
October 10, 1990
Page 2

I trust this is the information you needed but please let me know if I may be of further assistance on this matter.

Sincerely yours,



Lowell Long
Case Management Specialist

LL:kg
Attachment

cc: Howard Schwartz

JUDICIAL BRANCH
District Court Nonjudicial F.T.E.

<u>Dist.</u>	<u>County</u>	<u>Nonjudicial F.T.E.</u>	<u>CSO F.T.E.</u>	<u>OCR F.T.E.</u>	<u>CSE F.T.E.</u>	<u>Other F.T.E.</u>	<u>CDC & Office F.T.E.</u>
1	Atchison	11.50	(2.00)	(1.00)	(0.00)	(1.00)	7.50
	Leavenworth	<u>25.00</u>	<u>(7.00)</u>	<u>(2.00)</u>	<u>(1.00)</u>	<u>(4.00)</u>	<u>11.00</u>
		36.50	(9.00)	(3.00)	(1.00)	(5.00)	18.50
2	Jackson	6.00	(2.00)	(0.00)	(0.00)	(1.00)	3.00
	Jefferson	5.00	(1.00)	(0.00)	(0.00)	(0.00)	4.00
	Pottawatomie	6.00	(1.00)	(1.00)	(0.00)	(1.00)	3.00
	Wabaunsee	<u>3.00</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>3.00</u>
		20.00	(4.00)	(1.00)	(0.00)	(2.00)	13.00
3	Shawnee	150.00	(47.00)	(13.00)	(2.50)	(36.00)	51.50
4	Anderson	7.00	(1.00)	(1.00)	(1.00)	(1.00)	3.00
	Coffey	4.00	(0.00)	(0.00)	(0.00)	(0.00)	4.00
	Franklin	14.00	(3.00)	(2.00)	(1.00)	(3.00)	5.00
	Osage	<u>6.00</u>	<u>(1.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(1.00)</u>	<u>4.00</u>
		31.00	(5.00)	(3.00)	(2.00)	(5.00)	16.00
5	Chase	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Lyon	<u>25.00</u>	<u>(6.00)</u>	<u>(2.00)</u>	<u>(1.00)</u>	<u>(4.00)</u>	<u>12.00</u>
		27.00	(6.00)	(2.00)	(1.00)	(4.00)	14.00
6	Bourbon	8.00	(2.00)	(1.00)	(0.00)	(0.00)	5.00
	Linn	5.00	(1.00)	(0.00)	(0.00)	(1.00)	3.00
	Miami	<u>11.00</u>	<u>(3.00)</u>	<u>(1.00)</u>	<u>(1.00)</u>	<u>(0.00)</u>	<u>6.00</u>
		24.00	(6.00)	(2.00)	(1.00)	(1.00)	14.00
7	Douglas	30.00	(6.50)	(4.00)	(3.00)	(6.50)	10.00

Dist.	County	Nonjudicial	CSO	OCR	CSE	Other	CDC & Office		
		F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.	F.T.E.	
8	Dickinson	9.00	(1.00)	(0.00)	(1.00)	(1.00)	6.00		
	Geary	29.00	(10.00)	(1.00)	(1.00)	(6.00)	11.00		
	Marion	4.00	(0.00)	(0.00)	(0.00)	(0.00)	4.00		
	Morris	<u>3.00</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>3.00</u>		
		45.00	(11.00)	(1.00)	(2.00)	(7.00)	24.00		
9	Harvey	14.50	(4.00)	(1.00)	(0.00)	(2.50)	7.00		
	McPherson	<u>12.50</u>	<u>(5.00)</u>	<u>(1.00)</u>	<u>(0.00)</u>	<u>(1.00)</u>	<u>5.50</u>		
		27.00	(9.00)	(2.00)	(0.00)	(3.50)	12.50		
10	Johnson	139.50	(39.00)	(17.00)	(4.00)	(31.50)	48.00		
11	Cherokee	9.00	(3.00)	(1.00)	(0.00)	(1.00)	4.00		
	*Crawford	18.30	(5.00)	(2.00)	(0.50)	(3.80)	7.00	<Pittsburg	4.00
	*Labette	<u>12.50</u>	<u>(3.00)</u>	<u>(1.00)</u>	<u>(0.50)</u>	<u>(2.00)</u>	<u>6.00</u>	<Girard	3.00
								<Oswego	3.00
		39.80	(11.00)	(4.00)	(1.00)	(6.80)	17.00	<Parsons	3.00
12	Cloud	8.00	(3.00)	(1.00)	(0.00)	(0.00)	4.00		
	Jewell	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00		
	Lincoln	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00		
	Mitchell	2.50	(0.00)	(0.00)	(0.00)	(0.00)	2.50		
	Republic	3.00	(0.00)	(0.00)	(0.00)	(0.00)	3.00		
	Washington	<u>3.00</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>3.00</u>		
		20.50	(3.00)	(1.00)	(0.00)	(0.00)	16.50		
13	Butler	21.00	(4.00)	(1.00)	(1.00)	(5.00)	10.00		
	Elk	3.00	(1.00)	(0.00)	(0.00)	(0.00)	2.00		
	Greenwood	<u>8.00</u>	<u>(1.00)</u>	<u>(1.00)</u>	<u>(0.00)</u>	<u>(2.50)</u>	<u>3.50</u>		
		32.00	(6.00)	(2.00)	(1.00)	(7.50)	15.50		
14	Chautauqua	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00		
	*Montgomery	<u>21.00</u>	<u>(6.00)</u>	<u>(2.00)</u>	<u>(1.00)</u>	<u>(3.00)</u>	<u>9.00</u>	<Coffeyville	5.00
								<Independence	4.00
		23.00	(6.00)	(2.00)	(1.00)	(3.00)	11.00		

<u>Dist.</u>	<u>County</u>	<u>Nonjudicial F.T.E.</u>	<u>CSO F.T.E.</u>	<u>OCR F.T.E.</u>	<u>CSE F.T.E.</u>	<u>Other F.T.E.</u>	<u>CDC & Office F.T.E.</u>
15	Cheyenne	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Logan	2.50	(0.00)	(0.00)	(1.00)	(0.00)	1.50
	Rawlins	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Sheridan	2.70	(0.00)	(0.00)	(0.00)	(0.00)	2.70
	Sherman	7.00	(2.00)	(0.50)	(0.00)	(0.50)	4.00
	Thomas	6.00	(2.00)	(1.00)	(0.00)	(0.00)	3.00
	Wallace	<u>1.50</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>
		23.20	(4.00)	(1.50)	(1.00)	(0.50)	16.20
16	Clark	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Comanche	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Ford	19.50	(5.00)	(2.00)	(1.00)	(3.50)	8.00
	Gray	3.00	(0.00)	(0.00)	(0.00)	(0.00)	3.00
	Kiowa	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Meade	<u>2.50</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.50)</u>	<u>(0.00)</u>	<u>2.00</u>
			30.00	(5.00)	(2.00)	(1.50)	(3.50)
	Decatur	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Graham	2.50	(0.00)	(0.00)	(0.00)	(0.00)	2.50
	Norton	7.00	(2.00)	(1.00)	(1.00)	(1.00)	2.00
	Osborne	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Phillips	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Smith	<u>2.50</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>2.50</u>
		18.00	(2.00)	(1.00)	(1.00)	(1.00)	13.00
18	Sedgwick	215.00	(58.00)	(24.00)	(7.00)	(30.00)	96.00
19	*Cowley	18.00	(5.00)	(2.00)	(1.00)	(1.00)	9.00
							Winfield 6.00 Arkansas City 3.00
20	Barton	26.00	(8.00)	(2.00)	(1.00)	(5.00)	10.00
	Ellsworth	4.00	(0.00)	(0.00)	(0.00)	(0.00)	4.00
	Rice	4.50	(0.00)	(0.00)	(0.50)	(0.00)	4.00
	Russell	5.00	(0.00)	(0.00)	(0.50)	(0.00)	4.50
	Stafford	<u>3.00</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>3.00</u>
		42.50	(8.00)	(2.00)	(2.00)	(5.00)	25.50

<u>Dist.</u>	<u>County</u>	<u>Nonjudicial F.T.E.</u>	<u>CSO F.T.E.</u>	<u>OCR F.T.E.</u>	<u>CSE F.T.E.</u>	<u>Other F.T.E.</u>	<u>CDC & Office F.T.E.</u>
21	Clay	3.00	(0.00)	(0.00)	(0.00)	(0.00)	3.00
	Riley	<u>22.50</u>	<u>(6.00)</u>	<u>(3.00)</u>	<u>(1.00)</u>	<u>(3.50)</u>	<u>9.00</u>
		25.50	(6.00)	(3.00)	(1.00)	(3.50)	12.00
22	Brown	10.50	(3.00)	(1.00)	(1.00)	(2.00)	3.50
	Doniphan	2.50	(0.00)	(0.00)	(0.00)	(0.00)	2.50
	Marshall	7.80	(2.00)	(1.00)	(0.00)	(1.00)	3.80
	Nemaha	<u>3.50</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>3.50</u>
		24.30	(5.00)	(2.00)	(1.00)	(3.00)	13.30
23	Ellis	<u>10.00</u>	(3.00)	(1.00)	(0.00)	(2.00)	4.00
	Gove	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Rooks	3.00	(0.00)	(0.00)	(0.00)	(0.00)	3.00
	Trego	<u>2.00</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>2.00</u>
		17.00	(3.00)	(1.00)	(0.00)	(2.00)	11.00
24	Edwards	4.00	(0.00)	(0.00)	(0.00)	(0.00)	4.00
	Hodgman	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Lane	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Ness	4.50	(2.00)	(0.00)	(0.00)	(0.50)	2.00
	Pawnee	9.00	(2.00)	(1.00)	(0.00)	(1.00)	5.00
	Rush	<u>2.00</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>2.00</u>
		22.50	(4.00)	(1.00)	(0.00)	(1.50)	16.00
25	Finney	23.50	(6.00)	(3.00)	(2.00)	(1.00)	11.50
	Greeley	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Hamilton	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Kearny	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Scott	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Wichita	<u>1.50</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>1.50</u>
		32.00	(6.00)	(3.00)	(2.00)	(1.00)	20.00
26	Grant	3.00	(0.00)	(0.00)	(0.00)	(0.00)	3.00
	Haskell	2.00	(0.00)	(0.00)	(0.00)	(0.00)	2.00
	Morton	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Seward	15.00	(5.00)	(1.00)	(1.00)	(1.00)	7.00
	Stanton	1.50	(0.00)	(0.00)	(0.00)	(0.00)	1.50
	Stevens	<u>3.00</u>	<u>(1.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>2.00</u>
		26.00	(6.00)	(1.00)	(1.00)	(1.00)	17.00

Dist.	County	Nonjudicial F.T.E.	CSO F.T.E.	OCR F.T.E.	CSE F.T.E.	Other F.T.E.	CDC & Office F.T.E.
27	Reno	29.00	(9.00)	(3.00)	(1.00)	(2.00)	14.00
28	Ottawa	4.00	(1.00)	(0.00)	(0.00)	(0.00)	4.00
	Saline	<u>31.00</u>	<u>(5.00)</u>	<u>(3.00)</u>	<u>(1.00)</u>	<u>(7.00)</u>	<u>15.00</u>
		35.00	(6.00)	(3.00)	(1.00)	(7.00)	18.00
29	Wyandotte	136.00	(42.00)	(10.00)	(4.00)	(16.00)	64.00
30	Barber	<u>3.00</u>	(0.00)	(0.00)	(0.00)	(0.00)	3.00
	Harper	<u>5.00</u>	(1.00)	(1.00)	(0.00)	(0.00)	3.00
	Kingman	4.00	(1.00)	(0.00)	(0.00)	(0.00)	3.00
	Pratt	12.70	(3.00)	(1.00)	(1.00)	(2.70)	5.00
	Sumner	<u>13.00</u>	<u>(3.00)</u>	<u>(1.00)</u>	<u>(1.00)</u>	<u>(1.00)</u>	<u>7.00</u>
		37.70	(8.00)	(3.00)	(2.00)	(3.70)	21.00
31	Allen	9.00	(2.00)	(2.00)	(0.00)	(1.00)	4.00
	*Neosho	10.00	(2.00)	(1.00)	(1.00)	(2.00)	4.00
	Wilson	6.00	(2.00)	(0.00)	(0.00)	(1.00)	3.00
	Woodson	<u>2.00</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>(0.00)</u>	<u>2.00</u>
		27.00	(6.00)	(3.00)	(1.00)	(4.00)	13.00
STATEWIDE TOTALS		1,404.00	(351.50)	(122.50)	(47.00)	(204.50)	678.50

< Chanute 2.00
Erie 2.00

*County has two district courts.

Other F.T.E. include: District Court Administrators
Administrative Assistants
Secretaries
Transcriptionists
Data Processing Personnel
Law Clerks

September 28, 1990

Hon. David Prager, Chairman
Judicial Council Redistricting Committee
Kansas Judicial Center

Attention Randy Hearrell

Dear Chief:

As an aid to the committee in its deliberations, I have pulled together information concerning the number of jury trials in the state for the past four years.

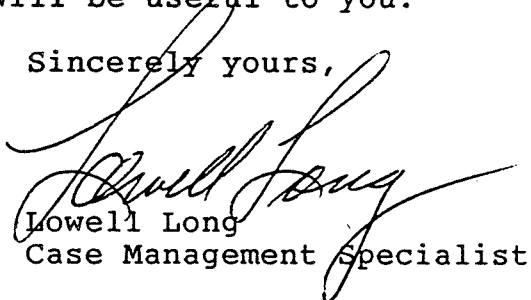
Schedule I attached shows the data by judicial districts. Schedule II shows the counties in rank order for number of jury trials in the past four years.

The data in the reports covers jury trials for both civil and criminal cases and is without reference to the size of the jury.

In our statistical process, a trial is considered to be a jury trial if the jury is sworn. Cases settled after a jury is sworn are still counted as jury trials.

I trust this information will be useful to you.

Sincerely yours,



Lowell Long
Case Management Specialist

LL:cl
Attachments

cc: Howard Schwartz

Dist.	County	FY 87	FY 88	FY 89	FY 90	87-90 Total
1	ATCHISON	10	10	18	14	52
1	LEAVENWORTH	18	12	24	24	78
2	JACKSON	10	4	7	2	23
2	JEFFERSON	10	12	19	5	46
2	POTTAWATOMIE	10	5	6	8	29
2	WABAUNSEE	4	1	1	1	7
3	SHAWNEE	143	139	137	127	546
4	ANDERSON	0	1	1	0	2
4	COFFEY	8	6	4	7	25
4	FRANKLIN	13	11	15	14	53
4	OSAGE	12	10	8	12	42
5	CHASE	3	1	3	3	10
5	LYON	24	19	18	23	84
6	BOURBON	6	9	7	5	27
6	LINN	0	2	4	4	10
6	MIAMI	8	4	6	5	23
7	DOUGLAS	28	33	26	42	129
8	DICKINSON	20	11	10	6	47
8	GEARY	20	23	26	20	89
8	MARION	10	13	3	16	42
8	MORRIS	1	0	2	1	4
9	HARVEY	13	13	13	9	48
9	MCPHERSON	8	3	10	1	22
10	JOHNSON	155	165	147	147	614
11	CHEROKEE	3	1	2	5	11
11	CRAWFORD	5	4	7	6	22
11	LABETTE	12	5	8	7	32
12	CLOUD	4	8	3	7	22
12	JEWELL	2	0	1	1	4
12	LINCOLN	1	3	1	0	5
12	MITCHELL	2	3	2	3	10
12	REPUBLIC	2	2	2	3	9
12	WASHINGTON	1	2	2	1	6
13	BUTLER	19	20	18	20	77
13	ELK	6	5	2	1	14
13	GREENWOOD	6	0	3	2	11
14	CHAUTAUQUA	2	3	0	3	8

Number of Jury Trials

Dist.	County	FY 87	FY 88	FY 89	FY 90	87-90 Total
14	MONTGOMERY	28	23	21	23	95
15	CHEYENNE	1	2	3	0	6
15	LOGAN	1	0	2	3	6
15	RAWLINS	1	0	2	0	3
15	SHERIDAN	2	0	0	1	3
15	SHERMAN	4	1	2	7	14
15	THOMAS	4	1	2	1	8
15	WALLACE	1	0	0	0	1
16	CLARK	5	2	0	0	7
16	COMANCHE	0	1	0	1	2
16	FORD	6	12	12	10	40
16	GRAY	3	2	1	1	7
16	KIOWA	2	0	0	1	3
16	MEADE	2	1	3	5	11
17	DECATUR	3	1	0	2	6
17	GRAHAM	1	1	2	0	4
17	NORTON	7	3	4	4	18
17	OSBORNE	1	5	1	0	7
17	PHILLIPS	5	2	1	2	10
17	SMITH	1	6	1	0	8
18	SEDGWICK	245	261	271	282	1,059
19	COWLEY	27	11	7	8	53
20	BARTON	21	21	14	9	65
20	ELLSWORTH	4	5	2	1	12
20	RICE	1	2	2	3	8
20	RUSSELL	3	5	3	3	14
20	STAFFORD	0	2	0	0	2
21	CLAY	4	2	3	5	14
21	RILEY	17	16	21	12	66
22	BROWN	4	1	3	3	11
22	DONIPHAN	0	2	0	2	4
22	MARSHALL	3	3	0	1	7
22	NEMAHA	2	3	7	3	15
23	ELLIS	15	12	11	13	51
23	GOVE	0	0	1	0	1
23	ROOKS	4	3	2	10	19
23	TREGO	0	0	1	3	4
24	EDWARDS	0	2	2	0	4
24	HODGEMAN	1	1	1	0	3
24	LANE	3	1	1	2	7

Num^r of Jury Trials

Dist.	County	FY 87	FY 88	FY 89	FY 90	87-90 Total
24	NESS	2	4	3	2	11
24	PAWNEE	6	3	3	6	18
24	RUSH	3	2	2	2	9
25	FINNEY	27	24	19	20	90
25	GREELEY	1	1	0	0	2
25	HAMILTON	0	1	1	0	2
25	KEARNY	4	3	0	1	8
25	SCOTT	1	1	1	1	4
25	WICHITA	1	1	1	0	3
26	GRANT	2	2	2	0	6
26	HASKELL	1	0	0	2	3
26	MORTON	4	3	1	0	8
26	SEWARD	12	7	13	17	49
26	STANTON	0	1	0	0	1
26	STEVENS	3	6	2	2	13
27	RENO	30	25	27	37	119
28	OTTAWA	4	0	3	4	11
28	SALINE	39	26	42	65	172
29	WYANDOTTE	150	119	138	154	561
30	BARBER	5	3	3	3	14
30	HARPER	3	1	0	4	8
30	KINGMAN	0	2	3	0	5
30	PRATT	2	7	9	0	18
30	SUMNER	10	11	7	12	40
31	ALLEN	3	0	8	15	26
31	NEOSHO	2	4	5	2	13
31	WILSON	2	4	1	1	8
31	WOODSON	2	2	3	3	10
STATEWIDE TOTALS		1,350	1,242	1,272	1,329	5,193

Dist.	County	FY 87	FY 88	FY 89	FY 90	87-90 Total
15	WALLACE	1	0	0	0	1
23	GOVE	0	0	1	0	1
26	STANTON	0	1	0	0	1
4	ANDERSON	0	1	1	0	2
16	COMANCHE	0	1	0	1	2
20	STAFFORD	0	2	0	0	2
25	GREELEY	1	1	0	0	2
25	HAMILTON	0	1	1	0	2
15	RAWLINS	1	0	2	0	3
15	SHERIDAN	2	0	0	1	3
16	KIOWA	2	0	0	1	3
24	HODGEMAN	1	1	1	0	3
25	WICHITA	1	1	1	0	3
26	HASKELL	1	0	0	2	3
8	MORRIS	1	0	2	1	4
12	JEWELL	2	0	1	1	4
17	GRAHAM	1	1	2	0	4
22	DONIPHAN	0	2	0	2	4
23	TREGO	0	0	1	3	4
24	EDWARDS	0	2	2	0	4
25	SCOTT	1	1	1	1	4
12	LINCOLN	1	3	1	0	5
30	KINGMAN	0	2	3	0	5
12	WASHINGTON	1	2	2	1	6
15	CHEYENNE	1	2	3	0	6
15	LOGAN	1	0	2	3	6
17	DECATUR	3	1	0	2	6
26	GRANT	2	2	2	0	6
2	WABAUNSEE	4	1	1	1	7
16	CLARK	5	2	0	0	7
16	GRAY	3	2	1	1	7
17	OSBORNE	1	5	1	0	7
22	MARSHALL	3	3	0	1	7
24	LANE	3	1	1	2	7
14	CHAUTAUQUA	2	3	0	3	8
15	THOMAS	4	1	2	1	8
17	SMITH	1	6	1	0	8
20	RICE	1	2	2	3	8
25	KEARNY	4	3	0	1	8
26	MORTON	4	3	1	0	8
30	HARPER	3	1	0	4	8
31	WILSON	2	4	1	1	8
12	REPUBLIC	2	2	2	3	9
24	RUSH	3	2	2	2	9
5	CHASE	3	1	3	3	10

Number of Jury Trials

Dist.	County	FY 87	FY 88	FY 89	FY 90	87-90 Total
6	LINN	0	2	4	4	10
12	MITCHELL	2	3	2	3	10
17	PHILLIPS	5	2	1	2	10
31	WOODSON	2	2	3	3	10
11	CHEROKEE	3	1	2	5	11
13	GREENWOOD	6	0	3	2	11
16	MEADE	2	1	3	5	11
22	BROWN	4	1	3	3	11
24	NESS	2	4	3	2	11
28	OTTAWA	4	0	3	4	11
20	ELLSWORTH	4	5	2	1	12
26	STEVENS	3	6	2	2	13
31	NEOSHO	2	4	5	2	13
13	ELK	6	5	2	1	14
15	SHERMAN	4	1	2	7	14
20	RUSSELL	3	5	3	3	14
21	CLAY	4	2	3	5	14
30	BARBER	5	3	3	3	14
22	NEMAHA	2	3	7	3	15
17	NORTON	7	3	4	4	18
24	PAWNEE	6	3	3	6	18
30	PRATT	2	7	9	0	18
23	ROOKS	4	3	2	10	19
9	MCPHERSON	8	3	10	1	22
11	CRAWFORD	5	4	7	6	22
12	CLOUD	4	8	3	7	22
2	JACKSON	10	4	7	2	23
6	MIAMI	8	4	6	5	23
4	COFFEY	8	6	4	7	25
31	ALLEN	3	0	8	15	26
6	BOURBON	6	9	7	5	27
2	POTTAWATOMIE	10	5	6	8	29
11	LABETTE	12	5	8	7	32
16	FORD	6	12	12	10	40
30	SUMNER	10	11	7	12	40
4	OSAGE	12	10	8	12	42
8	MARION	10	13	3	16	42
2	JEFFERSON	10	12	19	5	46
8	DICKINSON	20	11	10	6	47
9	HARVEY	13	13	13	9	48
26	SEWARD	12	7	13	17	49
23	ELLIS	15	12	11	13	51
1	ATCHISON	10	10	18	14	52
4	FRANKLIN	13	11	15	14	53
19	COWLEY	27	11	7	8	53
20	BARTON	21	21	14	9	65
21	RILEY	17	16	21	12	66

Number of Jury Trials

Dist.	County	FY 87	FY 88	FY 89	FY 90	87-90 Total
13	BUTLER	19	20	18	20	77
1	LEAVENWORTH	18	12	24	24	78
5	LYON	24	19	18	23	84
8	GEARY	20	23	26	20	89
25	FINNEY	27	24	19	20	90
14	MONTGOMERY	28	23	21	23	95
27	RENO	30	25	27	37	119
7	DOUGLAS	28	33	26	42	129
28	SALINE	39	26	42	65	172
3	SHAWNEE	143	139	137	127	546
29	WYANDOTTE	150	119	138	154	561
10	JOHNSON	155	165	147	147	614
18	SEDGWICK	245	261	271	282	1,059
STATEWIDE TOTALS		1,350	1,242	1,272	1,329	5,193

Question I. 3.-

Question 1.c. asks whether the requirement of a resident judge in each county of the state should be abolished. I would suggest that the Advisory Committee should also ask whether the state should abolish the requirement of a court facility in each county.

Do we need, and can we afford, a resident judge, clerk of the district court and staff, and a court facility in all 105 counties of the state? In certain counties of southeast Kansas there are two court facilities in each county. Statistical data taken from the Annual Report of the Courts of Kansas for the fiscal year 1988-1989 indicates that in 50% of the courts of this state an average of no more than one major case was filed per day. ("Major case" refers to all felony, misdemeanor, domestic and civil cases excluding probate, traffic, small claims, and juvenile matters.) There are two Kansas counties which averaged less than one filing per week! (See attached exhibit.)

I would suggest to the Advisory Committee that it is economically impractical for the state to continue to maintain a court facility in each county and that in the rural areas courts should be consolidated. Our courts should be converted into true district courts rather than retaining what is, in effect, a county court system.

To demonstrate, in the 31st Judicial District we maintain five court facilities in four counties (Allen, Neosho, Wilson, Woodson). Based on the average salaries of the judicial and non-judicial employees the state pays approximately \$850,000 to the judicial branch employees of the 31st District. If the court facilities in five locations were consolidated into one court facility serving the four-county district I estimate that the state could realize a savings of over \$200,000 per year in salaries. (See attached exhibit.)

The consolidation of court facilities would also result in savings to the counties. In the five locations we have the following facilities:

- 4 large courtrooms
- 4 small courtrooms
- 5 clerk's offices
- 4 law libraries
- 5 judges' chambers (District Judge)
- 4 judges' chambers (Magistrate Judge)
- Conference rooms, rest rooms, etc.

In one location the following would be required:

- 2 large courtrooms
- 2 small courtrooms
- 1 clerk's office
- 1 law library
- 4 Judges' chambers total
- Fewer conference rooms, etc.

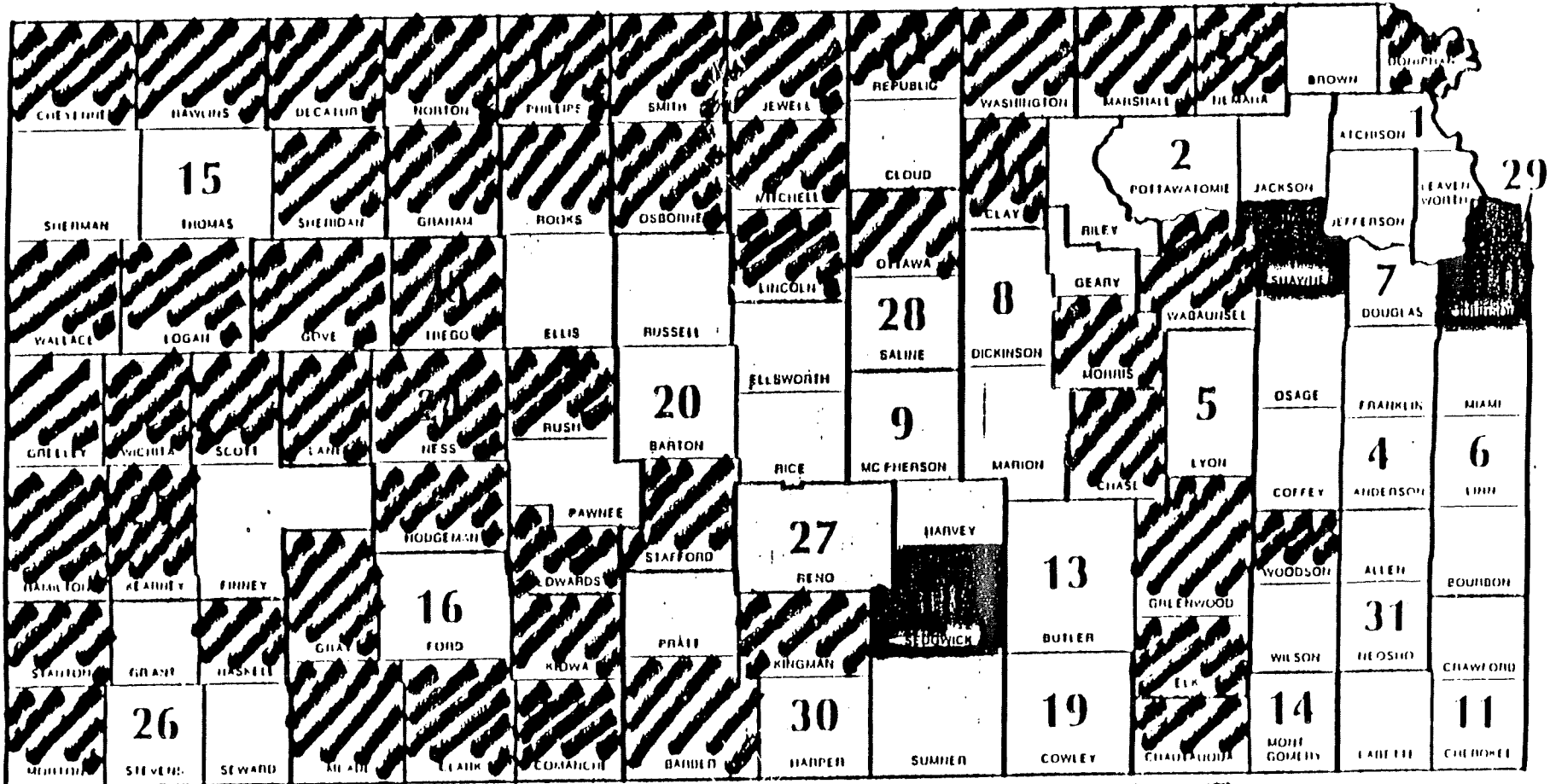
The savings of tax dollars is not the only consideration of the Committee. Governmental agencies are created to provide services to the public. An argument would likely arise that consolidation would reduce the service provided to the public due to the inconvenience of traveling longer distances to the court facility. Unlike other county offices where a majority of the citizens go to pay taxes, purchase vehicle registration plates, and conduct other routine business the court has contact with a much smaller percentage of the population. I would suggest to the Committee that removal of a court facility from a particular county would result in no inconvenience to a majority of the citizens of that county.

In summary, rather than expanding the judicial budget to meet the increasing needs of the courts in urban counties the state should first consider eliminating the waste of tax dollars in the rural areas. As a rural judge I believe that the rural courts and the citizens they serve are entitled to their fair share of the tax dollars devoted to supporting the court system. I believe, however, that the continued operation and financing of a court in every county of the state is a luxury that we cannot afford.

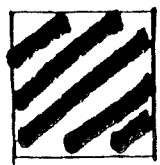
MAJOR CASE FILINGS

FY 1988-1989

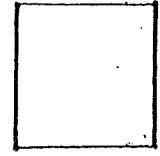
Kansas Judicial Districts (31)



-57-



Major case filings
50-250



Major case filings
251-3500



Major case filings
Over 15,000

No counties with major case filings of over 3,500 but less than 15,000

359

	Number	Salary	Total
District Judges	3.0	68000	204000
Magistrate Judges	2.0	32000	64000
Court Reporters	3.0	28000	84000
Adm. Ass't/Sect	2.5	19000	47500
Clerks of Court	4.0	23000	92000
Court Services	6.0	24000	144000
Deputy Clerks	11.0	16750	184250
Trial Court Admr	0.5	40000	20000
Total			839750

	Number	Salary	Total
District Judges	3.0	68000	204000
Magistrate Judges	1.0	32000	32000
Court Reporters	2.0	28000	56000
Adm. Ass't/Sect	2.0	19000	38000
Clerks of Court	1.0	23000	23000
Court Services	5.0	24000	120000
Deputy Clerks	6.0	16750	100500
Trial Court Admr	0.5	40000	20000
Total			593500
Savings			246250

MATERIAL REMOVED FROM THE COMMITTEE REPORT WHEN
THE JUDICIAL COUNCIL ADDED NEW RECOMMENDATION 2

K.S.A. 20-301b states "In each county of the state there shall be at least one judge of the district court who is a resident of and has the judge's principle office in that county." The committee recommends that this statute be repealed. There is an unequal and inefficient distribution of judicial personnel and this statute is among the reasons. Other reasons are an imbalance in the number of judges at the time of court unification, the difficulty of the judicial branch in eliminating and creating judicial positions, the reluctance of the legislature to fund additional positions and the fact that additional positions that are funded usually lag well behind the need for those positions.

It is recognized by the committee that this is a controversial recommendation. The committee believes that the requirement of a resident judge in each county has resulted in inefficient use of judges. The committee recognizes that certain counties and areas of the state have strong feelings about retaining this residency requirement and understands why they feel this way. However, after consideration of all facts and circumstances it is the consensus of the committee that this statute prevents the possibility of an efficient judicial system and should be repealed.

The committee believes that the number of judges in any judicial district should be determined on a district basis, not on a county basis.

The committee has no objection to having a district clerk's office in each county where cases may be filed and processed. The people in every county are entitled to efficient judicial services. The problem arises, however, where there must be a resident judge in each county.

Today some of our judges are assigned to outside counties for several days a week to help dispose of cases in other counties in the district. Cases in that local judge's home county may be handled just as efficiently by having non-resident judges available for service in the county.

The jurisdiction of district magistrates is limited to certain types of cases and, thus, it is necessary for district judges to be available to handle the major cases in the county. A judge of the district court from another county could take care of emergencies and handle the routine cases on the docket. The vast majority of the cases are disposed of without contest or trial.

Another problem is that a law-trained or better qualified person in an adjoining county may be available for a judicial office but does not wish to leave family and friends and move to the other county where a resident judge is required.

It is obvious to the committee members that, if the needs of the entire district are considered, it would be more efficient in some instances to have the judges reside in those counties where the cases are and where the people need more judge time.

The recommendation to abolish the requirement of a resident judge in every county is not made to discriminate against Western Kansas counties or to reduce judicial services in those counties. The committee members were advised that in some of the Eastern Kansas counties the same problems exist.

What the committee wants to achieve is a more efficient judicial system operated with less expense to the Kansas taxpayers.

We believe that Kansas will have a more efficient and cost-productive system if we abolish the requirement of a resident judge in every county.

MINORITY REPORT

JUDICIAL REDISTRICTING ADVISORY COMMITTEE

SUBMITTED TO THE KANSAS JUDICIAL COUNCIL

DECEMBER 13, 1990

MINORITY REPORT

On December 13, 1990, the Judicial Redistricting Advisory Committee met to address the issue of its final report to the Kansas Judicial Council. That report was not unanimously approved by the membership of the Judicial Redistricting Advisory Committee. This Minority Report, prepared by District Magistrate Judge Leonard A. Mastroni, is respectfully submitted to the Kansas Judicial Council in order to emphasize several items of grave concern.

The major thrust of the study performed by the advisory committee involved the present allocation of District Magistrate Judges. Consideration was given to recommending the repeal of K.S.A. 20-301b, the statute requiring that there be at least one resident judge in each county of this state. This recommendation was voted upon by the advisory committee and was endorsed by a majority of its members.

The issue of a resident judge in each county is a critical one. It is so critical, in fact, that it will be the first issue addressed in this minority report. Even more important than the view of the committee minority, is the view of the people who work directly and indirectly with the court system.

At its first meeting, the advisory committee determined that questionnaires should be created and circulated in order to solicit the opinions of key people. The responses to the questionnaires were to be used to assist the advisory committee

to make its findings regarding the issues that are addressed in the final report of the committee to the Kansas Judicial Council.

In the opinion of the minority, the most important issue included within the questionnaires distributed by the advisory committee is the elimination of the statutory requirement that there be a resident judge in each county. Questionnaires were sent to more than nine hundred (900) persons soliciting the opinions of the recipients or the groups they represented.

Five hundred forty-one (541) of the questionnaires were sent to persons believed by the advisory committee to be directly involved with the court system. These included County and District Attorneys, District Court Administrators, District Court Clerks, Judges of the District Court, Kansas Bar Association and the local bar. Nearly sixty-three percent (63%) of the responses from this group of people, selected because of their direct involvement with the court system, opposed the elimination of the requirement that there be a resident judge in each county.

In addition, three hundred seventy-five (375) questionnaires were sent to individuals believed by the advisory committee to be indirectly involved with the court system. These included County Commissioners, County Sheriffs and State Legislators. More than eighty-five percent (85%) of the responses from this group of people, selected because of

their indirect involvement with the court system, opposed the elimination of the requirement that there be a resident judge in each county.

A total of three hundred eighty-nine (389) responses were received on this issue from the two groups selected because of their involvement, either directly or indirectly, with the court system. Of that total, more than sixty-eight percent (68%) of the respondents were opposed to repeal of the statute requiring a resident judge in each county.

The minority believes that the advisory committee should have given greater weight to this more than two-to-one opposition to the repeal of K.S.A. 20-301b. To do otherwise, would indicate that the distribution of the questionnaires was a meaningless exercise.

A second subject of concern to the advisory committee minority is the present system of in-district assignments of judges. The minority believes that the advisory committee failed to give serious consideration to the in-district assignment system presently being used.

In many rural judicial districts, individual District Magistrate Judges are rotated from less populated counties within the district into the more heavily populated counties on a regular basis. Frequently, this is done on a weekly or biweekly basis and has traditionally been a cooperative effort of the judges of the district acting under the supervision of

the Administrative Judge.

In this fashion, the more populous counties of the judicial district are assisted to reduce their pending cases in accord with Supreme Court time standards. Not incidentally, this example of the manner in which the individual judicial districts maximize the use of their judicial resources is, in the opinion of the minority, a cost effective way in which to serve the citizens of Kansas.

A third, and closely related issue, arose when the advisory committee discussed the possibility of coupling two adjacent counties to be served by a single judgeship. In theory, this may sound feasible to some but the minority does not believe that, in reality, it is a workable compromise in most situations.

This is particularly true in Western Kansas where, in general, the counties tend to be of larger geographical size than in other areas of the state. It is fair to say that if a judge leaves one county courthouse to drive to the courthouse in an adjacent county, it frequently will take at least forty-five minutes to an hour to reach the destination. Thus, if the courts are open on a daily basis and the judge schedules cases in the morning in one county and in the afternoon in the other, there would in all likelihood be as much time spent driving between the counties as there would be time available to hear cases and provide other services to the public.

Theoretically, perhaps this problem could be overcome by the judge being scheduled to be in each county two and one-half days per week or on alternate days. Inevitably, however, emergency situations and other conflicts would develop which would demand that the judge be present in the unscheduled county. Once again, we would be faced with the situation in which the judge would spend more time driving between counties than in providing direct services to the public.

If a judge, functioning under this theoretical system, were to insist upon rigid adherence to an arbitrary schedule, serious conflicts would arise in the scheduling of cases with the attorneys involved. Understandably, most attorneys also have extremely busy schedules. In effect, because the judge would be present only half as often as is now the case, there would be only half as many times available on the court's schedule for coordination with the attorneys' schedules. It seems clear to the minority that this would result in many delays with respect to case flow that are not found in the present system.

The fourth area of concern lies at the other end of the spectrum and involves the urban judicial districts. After circulating questionnaires and affording the recipients the opportunity to testify or correspond with the committee in reference to additional judgeships, few requests for additional judgeships were received by the committee. The exception to this was Johnson County's request for two District Magistrate

Judges.

This could be beneficial to Johnson County in view of the fact that, through out-of-district assignments made by the Supreme Court, extensive use of District Magistrate Judges has been made in that county for the past several years. These District Magistrate Judges from rural areas from around the state have conducted traffic and other high volume cases in Johnson County.

Unfortunately, however, some urban Administrative Judges apparently believe that a competent attorney District Magistrate Judge will not be available at the standard salary of Thirty-two Thousand Dollars (\$32,000.00) per year in an urban area due to the high cost of living in such an area. Some seem to feel it is preferable to use pro tem appointments in which the Administrative Judge will have the ability to contract with qualified attorneys. In fact, it is the understanding of the minority that this is what is currently being done in Johnson County.

Because the only need for additional judgeships expressed to the advisory committee is in Johnson County, it would appear to the minority that the problem has taken care of itself since Johnson County has contracted with pro tem judges to handle the high volume cases that were previously handled by District Magistrate Judges from the rural areas through the use of out-of-district assignments.

A fifth item of concern also involves out-of-district assignments. Only four years ago, the Kansas court system was honored with a Ten Thousand Dollar (\$10,000.00) cash award from the Foundation for Improvement of Justice. This was in connection with the delay reduction program utilized by the Kansas courts. This delay reduction program is generally regarded as being an exemplary model in the development of time standards for delay reduction.

The minority believes that rural District Magistrate Judges have played an important role in that exemplary model. Through the use of out-of-district assignments, the rural District Magistrate Judges have been able to assist the urban courts to bring their caseloads under control. This has enabled the Kansas court system to serve the public effectively and efficiently and to achieve national recognition for doing so.

The rural District Magistrate Judges have been able to move many high volume cases in the urban courts through the system. Moreover, and perhaps more importantly with respect to caseload statistics, the out-of-district assignments of the rural judges have provided much valuable time to the urban judges so that they can concentrate on moving their cases through the system rather than spending their time dealing with less statistically impressive high volume matters.

It is the opinion of the minority that out-of-district assignments are a very cost effective system. Perhaps the

greatest strength of the system of out-of-district assignments is found in its flexibility. Of course, it is obvious that out-of-district assignments permit judges to be assigned to all areas of the state in order to meet the everyday demands of caseload management. However, the speed with which the current system of out-of-district assignments responds to emergency situations, such as unexpected vacancies occurring in judgeships or lengthy illnesses of sitting judges, is sometimes overlooked.

It must be remembered that this issue of out-of-district assignments was also addressed in the questionnaires prepared and distributed by the advisory committee. Responses from those people directly involved with the court system, who should have a good understanding about the effectiveness of such assignments, disclose that eighty-eight percent (88%) of them favor the current system. The minority believes that such an overwhelmingly favorable response demonstrates great confidence in the system as currently constituted and speaks well for the usefulness, professionalism and effectiveness of the District Magistrate Judge.

The sixth area of concern which the minority wishes to address involves the time constraints under which the advisory committee found it necessary to work. When the committee was formed, the problem of addressing the complicated issue of redistricting in a five month period was heavily debated. The minority is certain that most of the members of the committee

felt that this was not sufficient time in which to develop well considered recommendations to the Kansas Judicial Council for possible legislative action.

As the committee has come to its final meeting, the minority is more convinced than ever that this procedure has been too hurried and that too many questions remain unanswered. It is the firm conviction of the minority that time should have been taken for public hearings in various locations around the state in order to obtain more public input on such a momentous decision.

The people of Kansas have a right to expect and to receive the speedy and just resolution of matters that come before the court. This is a right that must be acknowledged in each county of the state.

If it were necessary to subsidize that right, it is a right which is very worthy of subsidy. However, it must be kept in mind that the costs of establishing, maintaining and operating the courts are already the responsibility of the county in which each particular court is located. Thus, the only so called economy gained by removing the resident judge from the courthouse would be the salary of that resident judge.

Furthermore, rural Kansans are subject to and pay the same kinds of taxes to the same state taxing authority as do their urban counterparts. It appears to the minority that a measure which removes resident judges from many rural courthouses would

result in less than equitable treatment for a significant portion of the tax paying public and would be nothing more than false economy.

In closing, the minority would state that it was perhaps inevitable that the perceived need for haste in order to develop recommendations to the Kansas Judicial Council in a timely fashion would lead to the kinds of actions that cause internal chaos in the system by pitting judge against judge, rural against urban, and East against West. Even more important than chaos within the system, however, is the potential for bitterness and disruption outside of the system. Without attempting to be overly dramatic, it seems quite likely to the minority that such actions will produce the same sort of conflict for the general population of Kansas as it has for the judicial system.

Leonard A. Mastrom

Vergie Wente
