

Approved 1-30-92
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative John Solbach at
Chairperson

3:30 ~~am~~/p.m. on January 28, 1992 in room 313 of the Capitol.

All members were present except:

Representatives Allen, Douville, Gomez and Snowbarger who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research
Jill Wolters, Revisor of Statutes
Judy Goeden, Committee Secretary

Conferees appearing before the committee:

Paul Shelby, Kansas Judicial Administration
Anne Smith, Kansas Association of Counties
George Scott, District Judge, Dist. 8
Jim Clark, Kansas County & District Attorneys Association

Chairman John Solbach called the committee meeting to order.

Chairman Solbach closed hearings on HB 2671 since there were no more conferees wishing to testify on the bill.

Chairman Solbach welcomed Representative Jan Pauls to the Judiciary Committee as its newest member. She is replacing Rep. Sebelius.

Hearings on HB 2673, concerning judicial personnel, were opened.

Paul Shelby, Judicial Administration, testified for Chief Justice Richard Holmes, Kansas Supreme Court, in favor of HB 2673. (Attachment #1) He suggested several changes in the bill and answered committee members questions.

Anne Smith, Kansas Association of Counties, opposed HB 2673. (Attachment #2) She feared consolidation of judicial districts would limit accessibility of judicial services. She answered committee members questions.

George Scott, District Judge, District 8, testified that HB 2673 as written could cause hardships on judges since it cuts down on the judges flexibility. He recommended the bill be amended to allow for more flexibility.

Jim Clark, Kansas County & District Attorneys Association, testified they are concerned about judicial personnel in the rural areas being cut back.

There being no further conferees, hearing on HB 2673 was closed. The bill was then brought up for discussion and action. Rep. Hochhauser moved to make amendments necessary to clarify 25-312a in HB 2673. Rep. Vancrum seconded the motion, and the motion carried.

Rep. Parkinson moved to report HB 2673 as amended favorable for passage. Rep. Macy seconded the motion.

Rep. O'Neal made a substitute motion to table HB 2673. Rep. Gregory seconded the motion. Motion failed.

The motion to pass HB 2673 as amended favorable for passage passed.

Rep. Everhart moved to approve the minutes of the 1/23/92 committee meeting. Rep. Garner seconded the motion. Motion carried.

Meeting adjourned at 4:50 p.m.

**House Bill No. 2673
House Judiciary Committee
January 28, 1992**

**Testimony of Chief Justice Richard Holmes
Kansas Supreme Court**

Mr. Chairman:

I appreciate the opportunity to submit to you my comments on House Bill No. 2673 which relates to the authority to administer judicial and nonjudicial personnel in the state court system.

In mid-July I issued an order which imposed a 4% nonjudicial personnel cut for each judicial district and the appellate courts due to budget decisions made by the 1991 Legislature. The impact to this order so far is a total of 57 nonjudicial positions being abolished. Then by a Governor's Executive Order in late August of this year we were hit by an additional 1% cut which resulted in establishing at least a 30-day delay in filling our vacant nonjudicial positions. I continue to urge the legislature to properly fund the Judicial Branch of state government.

In general I can support House Bill No. 2673, which allows the Supreme Court to more effectively exercise its authority to administer the Judicial branch of government. If enacted, it would provide the court with a long range management tool, granting more flexibility for the court in handling all personnel matters, both judicial and nonjudicial.

HJC
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Att # 1
1-2

I especially support Section 30 that would permanently codify language that no position limitation shall be imposed by any appropriation act of the Legislature on the number of nonjudicial personnel in the court system. This is a step in the right direction.

The recommended study by the National Center of State Courts would be beneficial in the improvement of the administration of the Kansas Judicial Branch. I urge the legislature to fund the study.

I feel that Sections 1-28 are inconsistent with the provisions of Section 33. Sections 1-28 still mandate the number and location of district judges within each judicial district. I urge this committee to strike those limitations.

I wish to thank the interim committee for all their efforts in providing the Supreme Court authority to manage the Kansas judicial system.

HJC
1-29-92
Att #1
2-2



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January 28, 1992

TO: House Judiciary Committee
Chairman John Solbach

FROM: Anne Smith
Director of Legislation

RE: HB 2673

The Kansas Association of Counties opposes HB 2673. Our convention approved legislative policy statement says, "The further consolidation of the judicial districts, as well as limitations on the number of judges and non-judicial personnel is not favored by the Kansas Association of Counties. County officials feel there has been enough consolidation in these areas, and to further consolidate, would severely limit accessibility to judicial services. The KAC supports and urges increased judicial and non-judicial personnel in those districts experiencing caseload problems. Any expansion of the judicial services within the county should be totally funded by the state and include funding provisions for the accommodations for any such expansion."

As we conducted legislative workshops for county officials throughout the state last summer, we heard repeatedly that county officials support retaining one judge in each county. It is important to the timely processing of cases and the smooth operation of law enforcement to have judges readily available. If this is not the case, prisoners will be held longer in the county jail awaiting trial, thus increasing the costs to counties.

We understand the financial constraints facing both the state and local governments, but this does not seem to be a good place to economize.

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HJC
1-29-92
att # 2