

Approved

Date: April 4, 2002

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 8:36 a.m. on April 3, 2002 in Room 521-N of the Capitol.

All members were present except: Senator Haley (excused)
Senator Adkins (excused)

Committee staff present:

Gordon Self, Revisor
Mary Blair, Secretary

Conferees appearing before the committee:

J. Roy Holliday, Attorney, Olathe, Kansas

Conferee Holliday appeared before Committee as a candidate for appointment as a member of the Board of Indigents' Defense Services (BIDS). (attachment 1) Following discussion concerning the conferee's qualifications, appointed attorneys fees and the BIDS's budget, Senator Goodwin made a motion to recommend Conferee Holliday for confirmation as a member of the BIDS, Senator Gilstrap seconded. Carried.

The Chair discussed conference committee meetings and stated that there would be no further regular meetings of the Senate Judiciary Committee this session. The meeting adjourned at 9:02 a.m.

Senate Confirmation Information Summary
Prepared and Submitted by the Office of Governor Bill Graves

Appointee: J. Roy Holliday, Jr.

Position: Member, Board of Indigents' Defense Services

Appointment Date: Upon confirmation by Senate Expiration Date 1/15/2005 Term three years

Statutory Authority: KSA 22-4519 Party Affiliation: Democrat

- Statutory geographic representation requirements (*indicate any that apply*):
 - Congressional District: _____
 - County: _____
 - Size requirement (*if any*): _____
 - Other, specify: _____

➤ Statutory party affiliation requirement: No more than 5 members from the same political party.

➤ Statutory industry or occupation requirements Attorney representing county having a population in excess of 100,000 (Johnson County)

Salary _____ Predecessor: Bruce Beye

Board Composition Prior to Confirmation of New Appointee:

(SEE ATTACHED LIST)

*Sr. J. J. J.
4-3-02
att 1*

State Board of Indigents' Defense Services

Member Name		County	Party	CD	Occupational Industry	Expiration Date
*Beye	Bruce	Johnson	D	3	Attorney representing county w/population exceeding 100,000 (Johnson)	01/15/2002
Graham	Ruth	Shawnee	R	2	Attorney representing county w/population exceeding 100,000 (Shawnee)	01/15/2002
Herndon	David	Wyandotte	R	3	Public Member	01/15/2002
Knoll	Devon	Jefferson	D	2	Public Member	01/15/2003
Musick	Willis	Ellis	D	1	First District Attorney Member	01/15/2003
Ptacek	Georgia	Sedgwick	R	4	Public Member	01/15/2001
Terrell	Nathaniel	Lyon	D	1	First District Public Member	01/15/2004
Tomasic	Denise	Wyandotte	D	3	Attorney representing county w/population exceeding 100,000 (Wyandotte)	01/15/2003
Ward	Lynn	Sedgwick	R	4	Attorney representing county w/population exceeding 100,000 (Sedgwick)	01/15/2004

* Indicates member being replaced

GOVERNOR'S APPOINTEES ONLY

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K.A.2d 31, 611 P.2d
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validity shall not affect other provisions or appli-
cations of the act which can be given effect with-
out the invalid provision or application, and to this
end the provisions of this act are declared to be
severable.

History: L. 1969, ch. 291, § 15; July 1.

22-4516. Reserved.

22-4517.

History: L. 1971, ch. 121, § 1; L. 1976, ch.
163, § 26; Repealed, L. 1982, ch. 142, § 29; July
1.

22-4517a.

History: L. 1976, ch. 169, § 4; Repealed, L.
1982, ch. 142, § 29; July 1.

**22-4518. Same; applicability of laws re-
lating to aid to indigent defendants.** Except as
otherwise stated herein, all provisions of K.S.A.
22-4501 to 22-4514, inclusive, shall be applicable
to the operation of the district defender office,
and all legal services provided by the district de-
fender and any deputy district defender.

History: L. 1971, ch. 121, § 2; July 1.

**22-4519. State board of indigents' de-
fense services; appointment and terms; qual-
ifications.** (a) There is hereby created within the
executive branch of state government the state
board of indigents' defense services, which shall
consist of nine members appointed by the gov-
ernor, subject to confirmation by the senate as
provided in K.S.A. 75-4315b and amendments
thereto. Except as provided by K.S.A. 1995 Supp.
46-2601, no person appointed to the commission
[board] shall exercise any power, duty or function
as a member of the commission until confirmed
by the senate.

(b) The terms of members who are serving on
the board on the effective date of this act shall
expire on January 15, of the year in which such
member's term would have expired under the
provisions of this section prior to amendment by
this act. Thereafter, all appointments shall be for
terms of three years and until their successors are
appointed and confirmed.

(c) Of the nine members of the board, there
shall be:

(1) Subject to the provisions of K.S.A. 1995
Supp. 75-4315c, and amendments thereto, two
members from the first congressional district, of
whom one shall be a lawyer registered with the

Kansas supreme court, and at least one member
from each other congressional district in the state;

(2) at least one member from each county in
the state having a population in excess of 100,000,
who shall be a lawyer registered with the Kansas
supreme court, but not more than five members
from such counties; and

(3) five members who are lawyers registered
with the Kansas supreme court and four members
who are not lawyers.

(d) No more than five members of the board
shall be from the same political party.

(e) No member of the board shall be, or shall
be employed by, a judicial officer or a law enforce-
ment officer and no member of the board shall be
an employee of the board.

(f) Any member appointed to fill a vacancy
occurring prior to the expiration of the term for
which such member's predecessor was appointed
shall hold office for the remainder of such term.

(g) No member of the board shall serve more
than two consecutive three-year terms.

History: L. 1982, ch. 142, § 1; L. 1992, ch.
262, § 3; L. 1995, ch. 241, § 4; July 1.

CASE ANNOTATIONS

1. Present system for appointment of legal counsel, as ad-
ministered, violates U.S. and Kansas constitutions. State ex rel.
Stephan v. Smith, 242 K. 336, 340, 377, 383, 747 P.2d 816
(1987).

2. Cited; legal obligation of county to provide counsel for
indigent defendants charged with misdemeanors, hourly rate
allowed examined. Board of Osage County Comm'rs v. Burns,
242 K. 544, 548, 747 P.2d 1338 (1988).

**22-4520. Same; prohibition on interfer-
ing with professional duties of counsel.** The
state board of indigents' defense services shall not
make any decision regarding the handling of any
case nor interfere with the appointed counsel,
contract counsel or public defender, or any mem-
ber of the staff thereof, in carrying out their pro-
fessional duties.

History: L. 1982, ch. 142, § 2; July 1.

**22-4521. Same; meetings; officers; quo-
rum; compensation and allowances.** (a) At the
first meeting of the state board of indigents' de-
fense services and at the first meeting held each
calendar year thereafter, the board shall elect a
chairperson and a secretary from among its mem-
bers.

(b) The board shall meet at least quarterly
and at such other times as called by the chairper-
son. Meetings of the board shall be at such places
as the board determines.

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