

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on March 21, 2005 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Norman Furse, Revisor of Statutes  
Jill Wolters, Senior Assistant, Revisor of Statutes  
Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
Susan Kannarr, Kansas Legislative Research Department  
Carolyn Rampey, Kansas Legislative Research Department  
Matt Spurgin, Kansas Legislative Research Department  
Amy VanHouse, Kansas Legislative Research Department  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Representative Tom Sloan  
Dale White, Mayor, Horton, Kansas  
David Penny, President, The Aquatic Group, Lawrence, Kansas  
Joe Fund, Kansas Water Office  
Donald R. Seifert, Municipal Services Director, Olathe, Kansas  
Dennis Schwartz, Director, Kansas Rural Water Association  
Paul Liechti, Assistant Director, Kansas Biological Survey  
Dick Koerth on behalf of Michael Hayden, Secretary, Kansas Department of Wildlife and Parks  
Mike Beam, Senior Vice President, Kansas Livestock Association  
Mark E. Smith, Smith Ranch, Wallace, Kansas  
Steve M. Swaffar, Director of Natural Resources, Kansas Farm Bureau  
Dan Ward, Executive Director, Kansas Wildlife Federation (written)  
Jerry Sloan, Office of Judicial Administration  
Judge Thomas Tuggle, Chief Judge of the 12<sup>th</sup> Judicial District  
Judge Meryl D. Wilson, 21<sup>st</sup> Judicial District  
Judge Richard M. Smith, on behalf of the Kansas District Judges Association (written)  
James W. Clark, Legislative Counsel, Kansas Bar Association  
Norbert Marek, Attorney, Manhattan, Kansas  
Doug Smith, Kansas Credit Attorneys Association  
Glenn Deck, Executive Director, Kansas Public Employees Retirement System

Others attending:

See attached list.

Chairman Umbarger opened the public hearing on:

**HB 2017--Clean drinking water fee; use for protection of source water and assistance to public water supply systems**

Staff briefed the committee on the bill.

Representative Tom Sloan testified in support of **HB 2017 (Attachment 1)**. Representative Sloan mentioned that representatives of the Kansas Biological Survey have appeared before the House Environment Committee and provided photographic evidence of the impact sediment has on drinking water supply lakes. He attached some of the KBS maps and photographs to his written testimony. Representative Sloan explained that transferring the Clean Drinking Water Fee from the State General Fund beginning in FY 2007 is not a matter

## CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 21, 2005 in Room 123-S of the Capitol.

to take lightly. He noted that the next few years will be difficult for Legislators, but if the process of saving the lakes now does not begin, when will it begin.

Dale White, Mayor, Horton, Kansas, spoke in support of the bill (Attachment 2). Mayor White briefly described the subject of the Mission Lake Project. He explained that **HB 2017** does not ask for new money, and only in FY 2007. He noted that by doing this, Kansas will have taken the first step in assuring drinking water for great grandchildren and helped secure the future of the State.

David Penny, President, The Aquatic Group, Lawrence, Kansas, testified in support of the bill. Mr. Penny emphasized the need for getting the lakes back to where they can be used. No written testimony was provided.

Joe Fund appeared on behalf of the Kansas Water Office in support of **HB 2017** as amended (Attachment 3). Mr. Fund addressed the Clean Drinking Water Fee, **HB 2017** as amended by the House Committee, action taken by the Kansas Water Authority, the need for the additional revenues and Phase I and Phase II of the Water Plan Projects Initiative for committee consideration. In closing, Mr. Fund emphasized that the Kansas Water Authority supports the bill with the House Committee amendments to change the date that the revenue would start flowing into the State Water Plan Fund in July 1, 2006.

Donald R. Seifert, Municipal Services Director, Olathe, Kansas, spoke in support of the bill (Attachment 4). Mr. Seifert mentioned that the City of Olathe supports the intent of **HB 2017**: to direct the clean drinking water fee revenue stream toward the preservation of clean drinking water. He also noted that the City of Olathe believes that the bill represents good public policy in the use of the fees collected from water suppliers.

Dennis Schwartz, Member of the Board of Directors of the Kansas Rural Water Association and Manager of Rural Water District No. 8, Shawnee County, testified in support of the bill (Attachment 5). Mr. Schwartz noted that **HB 2017** would credit the payments being made by city and rural water districts to the Clean Drinking Water Fee to be credited to the benefit of the Kansas Water Plan. He explained that the Clean Drinking Water Fee was enacted in the 2000 Session as a option for public water systems versus the very difficult issue of compliance and it was very confusing with the application of sales tax on purchases. Successful completion of the projects depends on support from the public and action by the Governor and Legislature to fully restore funding for the State Water Plan Fund, a dedicated funding source for water projects.

Paul Liechti, Assistant Director, Kansas Biological Survey, spoke in support of the bill (Attachment 6). Mr. Liechti emphasized that additional funding will be essential to continue to provide the clean drinking water that everyone expects, but all too often take for granted. He mentioned that the Kansas Biological Survey believes that **HB 2017**, as amended, is a step in the right direction.

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **HB 2017**.

Chairman Umbarger opened the public hearing on:

### **HB 2116--Disposition of certain federal moneys received by Department of Wildlife and Parks**

Dick Koerth on behalf of Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, presented testimony in support of **HB 2116** (Attachment 7). Mr. Koerth explained that Wildlife and Parks is opposed to the portion of the bill that was amended by the House to include a provision that would make landowner/tenant antelope permits transferable. The Department requested the Committee's support in removing this portion of the bill and passing the original bill out favorably.

Mike Beam, Senior Vice President, Kansas Livestock Association, testified in support for Section 5 of **HB 2116** which contains statutory language with a new provision to allow landowners or tenants the ability to transfer their antelope permit to a resident or nonresident hunter (Attachment 8).

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 21, 2005 in Room 123-S of the Capitol.

Mark E. Smith, Smith Ranch, Wallace, Kansas, spoke in support of **HB 2116** (Attachment 9). Mr. Smith explained that the landowner-tenant transferable permits would give them a chance for some additional compensation for providing habitat to antelope and more importantly help improve the attitudes of the landowners toward this species. He noted that the change of policy, as proposed by the legislation, would be a step in the right direction for the landowner/tenants of western Kansas.

Steve M. Swaffar, Director of Natural Resources, Kansas Farm Bureau, testified in support of **HB 2116** (Attachment 10). Mr. Swaffar explained that since **HB 2116** does not call for more antelope permits to be issued, there will not be any greater pressure on the antelope herd and the transferable permits will not have a detrimental impact on the herd. He noted that, additionally, the bill allows the Department to charge an administrative fee for the transfer of the tag and this should prevent a fiscal impact to the Department. Mr. Swaffar urged the committee to move the bill out of committee.

Dan Ward, Executive Director, Kansas Wildlife Federation, submitted written testimony (Attachment 11)

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **HB 2116**.

Chairman Umbarger opened the public hearing on:

**HB 2478--Delay of phased in increase of court of appeals to 14 judges**

Staff briefed the committee on the bill.

Jerry Sloan, Office of Judicial Administration, testified in support of **HB 2478**, and provided copies of a letter from Gary W. Rulon, Chief Judge, Kansas Court of Appeals (Attachment 12). In the letter, Judge Rulon proposed postponing the addition of another judge to that court until the next legislative session, which will provide them the opportunity to reassess their needs for additional judges.

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **HB 2478**.

Senator Barone moved, with a second by Senator Emler, to report **HB 2478** favorable for passage. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

**SB 296--Compensation for certain judicial branch employees**

Staff briefed the committee on the bill.

Judge Thomas Tuggle, Chief Judge of the 12<sup>th</sup> Judicial District, introduced the judges that were present with him and turned over the testimony to be presented by Judge Meryl Wilson, 21<sup>st</sup> Judicial District, Riley County (Attachment 13). Judge Wilson testified in favor of **SB 296**. He explained the aspects of providing the citizens of Kansas with a quality judicial system is not only the responsibility of the Judicial Branch, but also the responsibility of the Legislative and Executive branches as well. Judge Wilson also spoke regarding the Kansas District Judges' Association to provide a quality system, judicial compensation must be set at a level to attract able and experienced to the bench and to retain competent, experienced judges. He noted that **SB 296** meets the test.

Judge Richard M. Smith, on behalf of the Kansas District Judges Association, submitted written testimony (Attachment 14).

James W. Clark, Legislative Counsel, Kansas Bar Association, appeared before the committee as an proponent

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 21, 2005 in Room 123-S of the Capitol.

on **SB 296** (Attachment 15). Mr. Clark mentioned that the Kansas Bar Association supports the bill and listed long-established legislative policies that are enhanced in **SB 296**.

Norbert Marek, Attorney, Manhattan, Kansas, testified in opposition to **SB 296** (Attachment 16). Mr. Marek provided information from the National Center for State Courts, Survey of Judicial Salaries, and called attention to page 3 of the report. He indicated that docket fees affect people of lesser means, can be difficult for some people and does represent a tax increase.

Doug Smith, Kansas Credit Attorneys Association, appeared before the committee as a neutral party (Attachment 17). Mr. Smith explained that the Kansas Credit Attorneys Association and Kansas Collectors Association, Inc. appear as neutral parties to the basic ideas of increased salaries for judges through **SB 296**, but are concerned about the method. He suggested rather than passing the measure now, look at reallocating the way in which the current docket fees are presently divided under KSA 20-367 and suggested an interim study to thoroughly review docket fees and charges. Mr. Smith also noted that they feel the Judicial Branch needs a permanent funding source.

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **SB 296**.

Chairman Umbarger opened the public hearing on:

**HB 2037--KPERs, benefits and contributions**

Staff briefed the committee on the bill.

Glenn Deck, Executive Director, Kansas Public Employees Retirement System, testified in support of **HB 2037** (Attachment 18). Mr. Deck explained that the bill was sponsored by the Joint Committee on Pensions, Investments and Benefits. He also addressed the effects and fiscal impact of the bill.

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **HB 2037**.

Senator Morris moved, with a second by Senator Emler, to amend the Subcommittee Report on KPERs Issues recommendations into **HB 2037**. Motion carried on a voice vote.

Senator Barone moved, with a second by Senator Schmidt, to report Senate Substitute for **HB 2037** favorable for passage. Motion carried on a roll call vote. Copies of detailed information provided by Staff regarding **Senate Substitute for HB 2037** were distributed (Attachment 19).

The meeting adjourned at 12:00 p.m. The next meeting is scheduled for March 22, 2005.



SENATE WAYS AND MEANS  
GUEST LIST

Date 3-21-05

NAME	REPRESENTING
Steve Swaffar	Ks Farm Bureau
Julia Thomas	DOB
Mike Beam	Ks. LOSTK. ASSN.
Mark E Smith	Ks LOSTK ASSN
Rep. Tom Sloan	House of Rep.
MERYL WILSON	Ks Dist. Judges ASSN
Tom Triggly	Ks Dist. Judges' Assoc.
Dennis Schwartz	Ks Rural Water Assoc
Joe Fernal	KWO
Diak Koerth	KDWP
Pat Lehman	KRWA
Wade Bowie	JJA
ANGIE McMEHAN	SENATE PRESIDENT'S OFFICE
Rafe Schaefer	
Doug Smith	KC Credit Attorneys Association
Ron Seiber	Hemlock Firm
JUDGE Richard M Smith	Kansas Distat Judges Assoc.
Robin Tennison	Ks District Judges Assn.
Kurt Danman	" "
Steve Dufum	Kc. Dist. Judges Assoc.
Rebecca Warrington	Kansas Bar Association
JEFFREY ALDERMAN	KANSAS BAR ASSOCIATION
Jerry Sloan	Judicial Branch
Don Seifert	City of Olathe

**SENATE WAYS AND MEANS  
GUEST LIST**

Date 3-21-05

NAME	REPRESENTING
Norbert Marek	
Ben Smith	City of Horton
Dale White	" "
Paul Liechti	KS Biological Survey
BUD BURKE	CITY OF OZAWA
RON APPLETOFT	WATERLOO
Kent Weatherby	Kansas River Water Assur. District
Karen Watson	DopA
<del>Charmaine Bots</del>	Guest of Senator Betts
Mary Beth Green	KPERS
Glenn Dech	KPERS
<del>Bob Tolson</del>	KCA
Tawana Mosman	Senate (McGinn) Page
Emily Hester	Senate (McGinn) Page
<del>Waise Davison</del>	Senate (McGinn) Page
Melanie Czech	Senate (McGinn) Page
Kathy Porter	Judicial Branch
Kim Fowler	Judicial Branch
TK Shively	KS LEGAL SERVICES
<del>Daniel Perry</del>	The Master's Dredging Co.

STATE OF KANSAS

TOM SLOAN  
REPRESENTATIVE, 45TH DISTRICT  
DOUGLAS COUNTY

STATE CAPITOL BUILDING  
ROOM 446-N  
TOPEKA, KANSAS 66612-1504  
(785) 296-7677  
1-800-432-3924

772 HWY 40  
LAWRENCE, KANSAS 66049-4174  
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sloan@house.state.ks.us



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
CHAIRMAN: HIGHER EDUCATION  
MEMBER: UTILITIES  
ENVIRONMENT  
AGRICULTURAL & NATURAL  
RESOURCES BUDGET  
KANSAS WATER AUTHORITY

Testimony on HB 2017  
Ways & Means Committee  
March 21, 2005

Mr. Chairman, Members of the Committee: In addition to my relatively nonpaying, mildly exasperating day job as a member of the House of Representatives, I also am the long serving unpaid Chairman of Douglas County Rural Water District #1, and the first Legislator to serve on the Kansas Water Authority; another unpaid opportunity to serve the people of Kansas.

In those three capacities, I have attempted to address long term water policy and funding issues for our State as a whole. The Legislature over time has created water supply and quality programs for subsurface water affecting the Ogallala Reservoir, stream and river segments related to TMDLs, and other important matters (e.g. water banking). We have essentially ignored the growing problem of sedimentation in the State's drinking water lakes and the deleterious effect that it has on water quality and supplies.

Representatives of the Kansas Biological Survey have appeared before the House Environment Committee and provided photographic evidence of the impact sedimentation has on drinking water supply lakes. Several of the KBS maps and photographs are attached to my testimony. They also testified to the taste and odor problems that occur as lake depths shrink and vegetation propagates.

HB 2017 fills the gap in state policy by creating a program to address the loss of storage capacity and water quality. Equally important, the bill addresses the program's funding needs by transferring the existing Clean Drinking Water Fee money already paid by drinking water treatment systems (municipalities, rural water districts) and their customers. The 3 cents per 1,000 gallons of water sold at retail by such systems currently is deposited in the State General Fund and is approximately \$2.7 million per year. HB 2017 would move the Clean Drinking Water Fee money to the State Water Plan for use in: 1) providing on-site technical assistance so that the drinking water systems can meet evolving EPA and KDHE regulatory requirements; and 2) providing funds for preservation and restoration of our drinking water supply lakes.

The Kansas Water Authority has directed the State Conservation Commission, in partnership with the Kansas Water Office, to develop a local-state cost-share program to

Senate Ways and Means  
3-21-05  
Attachment 1

preserve/restore drinking water lakes. The Clean Drinking Water Fee money will thus be leveraged to solve very real threats to the States' drinking water supply.

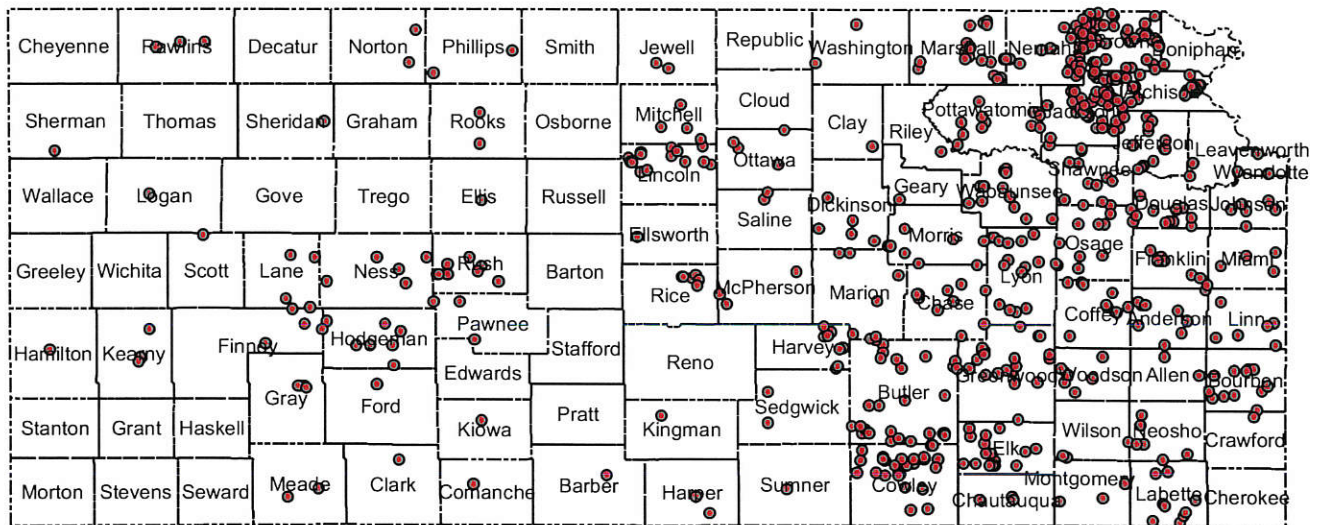
I recognize that transferring the Clean Drinking Water Fee from the SGF beginning in FY 07 is not a matter to take lightly. However, I sincerely believe that if we do not begin addressing the long term viability of our State's drinking water supply lakes while the projects are relatively small and affordable, future Legislatures and citizens will pay significantly higher prices to keep water flowing to consumers. The next few years will be difficult for Legislators, but if we do not begin the process of saving our lakes now, when will we.

I appreciate your consideration of the bill and my comments.

I ask for your support in passing HB 2017 and will be pleased to respond to questions.

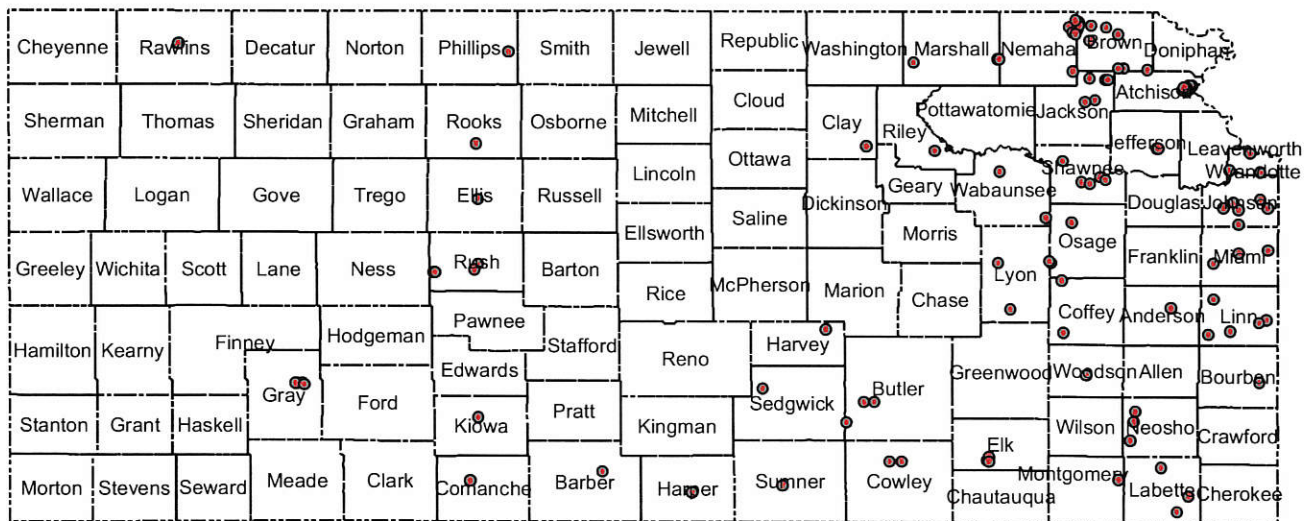


## Reservoirs owned by the State of Kansas or local governments



578 reservoirs owned by the State of Kansas or by local governments:  
 Average date of construction: 1973  
 Average age of reservoirs: 29 years  
 Average normal storage: 639 acre-feet

## State and locally-owned reservoirs within 1 mile of a city or town



114 state or local reservoirs are within one mile of a town or city:  
 Average date of construction: 1960  
 Average age of reservoirs: 44 years  
 Average normal storage: 1858 acre-feet

Data analysis and map preparation by the Kansas Biological Survey, University of Kansas  
 Dr. Jerry deNoyelles and Dr. Mark Jakubauskas, Project Directors

Data sources: Reservoirs: National Inventory of Dams database, US Army Corps of Engineers  
 City data: US Census Bureau, TIGER 2000 databases

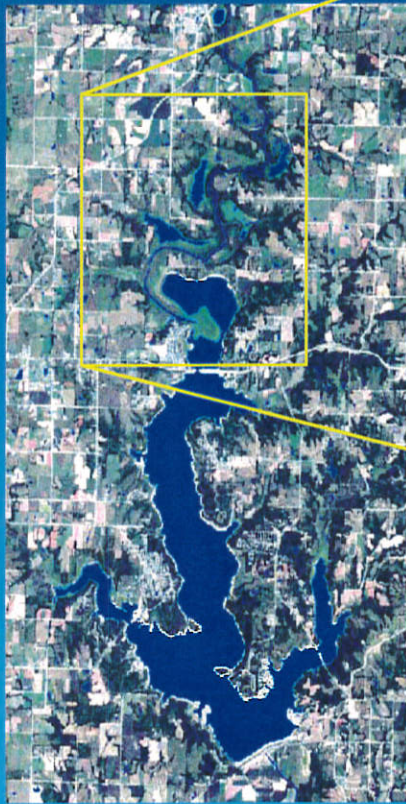


# Perry Lake Sedimentation

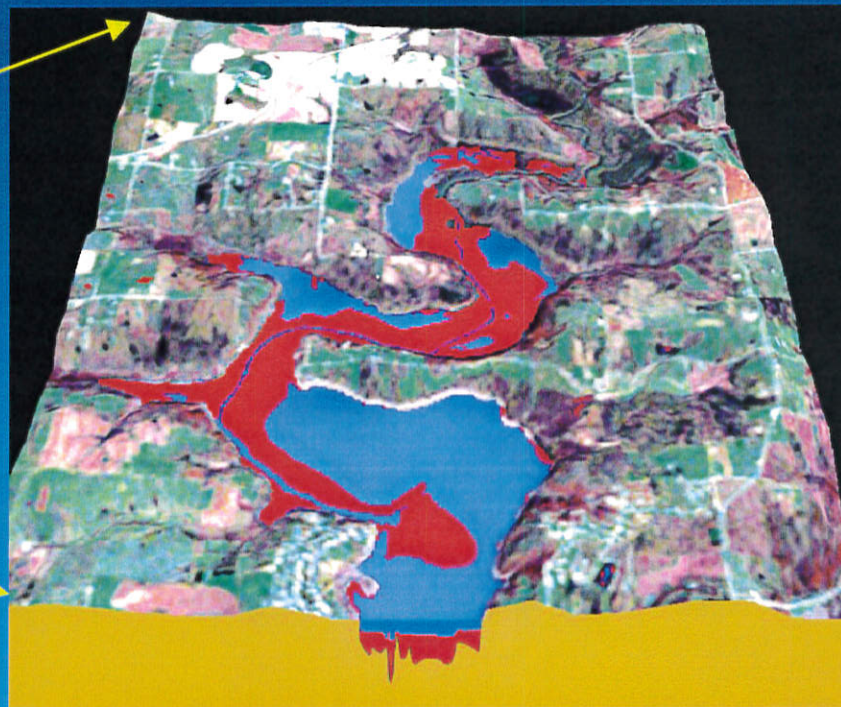
August 13, 1973



July 3, 2003



*Reservoir extent in 1973 and 2003 derived from Landsat satellite imagery.*



*Thirty years' sedimentation superimposed on July 3, 2003 Landsat data.*

## Sediment accumulation, 1974-2001

**Estimated 1000+ acres surface area lost.  
Total ~91.5 million cubic yards of sediment.**

### **USGS calculated sedimentation rate:**

- Avg. 2.8 million cubic/yards/year.
- Dredging: est. \$5/ cubic yard.
- \$14 million/year just to maintain status quo.







Dale White, Mayor  
Ken Krug, Commissioner  
Tim Lentz, Commissioner  
Kevin Stirton, Commissioner  
Bryan Stirton, Commissioner

TO: Hon. Dwayne Umbarger  
Chair, Senate Ways and Means Committee  
Members of the Committee

Administrative Officers  
Ron Smith, City Administrator  
Candy Schmitt, City Clerk  
Carol Stirton, Deputy Clerk

FROM: Dale White, Mayor

SUBJ: HB 2017

DATE: March 21, 2005

Mr. Chairman and Members of the committee,

I am Dale White, Mayor of Horton. It is my great privilege to be here today to speak of this most important matter – HB 2017.

I know you are pressed with many issues and will be as succinct as possible in my testimony today.

As you better than anyone knows the great state of Kansas is faced with a number of opportunities discussed as complex problems. Balancing the budget, while dealing with the issue of education, is surely one of them. You have my sympathy and support in this matter.

I would however submit that there is a looming crisis that is even more daunting than what you face in this year's legislative session. This is the issue of clean drinking water. Already we have heard some discussion on this issue here and there in quiet conversations. All Kansans face this awakening giant.

Kansas has made many gains in recent years, even to the point of being recognized as a top state to relocate or start a new business by Forbes Magazine. But all the progress that we have made will disappear like the morning dew if we do not begin to address the subject of the future supply of clean drinking water.

Clearly issues such as highways, education, and economic development will run a distant second to the lack of clean drinking water and its related consequences such as increasing unemployment as jobs leave Kansas, increase health cost (Medicaid) as benefits are lost, increased cost of the water that does remain, and finally – a smaller tax base to pay for these things.

There are those here today who can speak much more eloquently to this issue than I. I have made every effort to educate myself on this subject as we in Horton have explored the prospect of reviving Mission Lake. I will never again turn on the tape in my home and not think of this subject.

Briefly on the subject of the Mission Lake project:

- Mission Lake (owned by the City of Horton) was built in 1924 as a regional water supply. It was built specifically for a clean drinking water source. Up to this point many people were dying from drinking polluted water. In those days, it was common to have an out house and a well in the same back yard. The outcome, of course was inevitable. But even then there were forward thinking folks, and so Mission Lake was built.
- Mission Lake built with earth moving equipment drawn by mules was originally 169 surface acres. It contained 1866 acre-feet of water. Over the years it has accumulated approximately 2.2 million acres of silt. The lake now it 71 surface acres and 493 acre-feet of water.
- With the silt came Atrazine. With the enactment of the Federal Cleaning Drinking Water Act, it was determined that Mission Lake, Horton's main water supply did not meet the minimum standards and could not be used. We began purchasing water from our neighbors in Everest and continued to do so until new wells could be drilled. These new wells now in operation for about a year are already down to 80% capacity. We supply water to our neighboring community of Willis and in the sever drought a couple of years ago had to tell the Kickapoo Nation that we did not have water to spare when there meager supply ran out.
- Horton is a Blue Collar town. Our people aren't wealthy. On the last census 58% met the LMI requirements. Yet we believe so strongly in the importance of rehabilitating that lake the City Council has placed on the ballot for April 5<sup>th</sup> the question for voters to decide if they will impose on themselves a \$4 million Water Services Bond. This would be there share in a demonstration project if selected by the State. This bond will in effect double the current water bill. I believe this will pass. Why?
- Because like the early residence of Horton they will have shown the foresight to know that clean drinking water well into the future is worth while and in point of fact a prudent investment over time. How much will water cost in 20 years? I don't know. I do know that if you had told me 20 years ago that I would pay \$1 or more for a bottle of water – I would have told you were nuts.

In closing we need HB 2017 to become law. We all understand how important water is to our life and our well being. If selected for this demonstration project, in partnership with the state, we will find the best ways to reclaim water storage in our larger reservoirs. With dredging also comes greater depth. This will allow the Atrazine in our lakes to biodegrade and the water to become usable again.

HB 2017 does not ask for new money. It only moves the Clean Drinking Water monies now being collect - back were they belong. And only in FY 2007. By doing this we will have taken the first step in assuring drinking water for our great grand children and helped secure the future of our State.

Thank you for your kind attention. I will answer any questions that you have at this time.



**Testimony on Crediting Revenue from the Clean Drinking Water Fee  
to the State Water Plan Fund**

**Presented to  
The Senate Ways and Means Committee  
HB 2017 as Amended by House Committee**

**Kansas Water Office  
March 21, 2005**

Senator Umbarger and members of the Committee, I am pleased to appear on behalf of the Kansas Water Office/Kansas Water Authority in support of HB 2017 as amended.

The Kansas Water Authority (KWA) is a 24-member group representing the state's diverse water interests. One of its primary duties is to consider and approve policy recommendations for inclusion in *the Kansas Water Plan*. Once approved, the Kansas Water Authority submits these recommendations to the Governor and Legislature for their consideration. The Authority also makes recommendations on spending priorities for the State Water Plan Fund.

**Clean Drinking Water Fee**

K.S.A. 82a-2101 authorizes a clean drinking water fee of \$.03 per 1000 gallons of water sold at retail that is paid by public water supply systems in lieu of paying sales tax on purchases of tangible personal property. One purpose for this fee was to provide a simpler alternative for paying sales tax on property purchases. The primary portion of the fee revenue was deposited in the State General Fund with 5/106 going to the State Highway Fund.

This statute allowed these systems to opt out of paying the fee before October 1, 2001, and continue to pay sales tax [Section 1(b)(1)]. It also provides a window on or after January 1, 2005, for all public water supply systems which previously had elected to opt out of the fee to elect to collect the fee and be exempt from the aforementioned sales tax requirement [Section 1(b)(2)].

**HB 2017 as Amended by House Committee**

HB 2017 as amended provides that, after July 1, 2006, the portion of revenue from this fee deposited into the State General Fund (SGF) would be credited to the State Water Plan Fund (SWPF) for protecting and renovating lakes used for public water supply, on-site technical assistance to public water supply systems, and compliance with State and federal laws and regulations [(Section 1(c))].

Testimony on HB 2017 – Senate Ways and Means Committee  
March 21, 2005

The amendments further require the State Conservation Commission to promulgate rules and regulation, in coordination with the Kansas Water Office, establishing criteria the use of these monies.

### **Action taken by the Kansas Water Authority**

In November of 2004, the Kansas Water Authority recommended, for the adoption by the Legislature and Governor, that:

“All revenue collected through the Clean Drinking Water Fee should be credited to the State Water Plan Fund and used as one funding source to finance and conduct small lake and reservoir restoration projects and other programs beneficial to public water systems including on-site technical assistance.”

As part of that recommendation, the Water Authority said that:

“Revenue from the Clean Drinking Water Fee would be credited to the State Water Plan Fund starting July 1, 2006.”

Based on total receipts for the Clean Drinking Water Fee during FY 2004, it is estimated that HB 2017 as amended would generate approximately \$2.6M of additional revenue for the State Water Plan Fund. For comparison purposes, the total amount recommended by the Governor for the SWPF in FY 2006 is \$17,589,283.

### **Need for the Additional Revenues**

Consistent with the Water Authority's recommendations, HB 2017 as amended proposes the revenue from the Clean Drinking Water Fee be used, in part, to renovate and protect lakes used either directly, or indirectly, for public water supply. The action taken by the Kansas Water Authority adding the *Reservoir Demonstration Projects and Research* policy section to the Kansas Water Plan proposes the state conduct a small lake renovation project. As a result of KWA's action, the Kansas Water Office has received letters from 14 cities expressing interest in the renovation of their small lakes. A multi-agency committee is currently developing criteria for use in the screening and selection process. While firm costs estimates are not currently available for most of the proposals, several cities have estimated the total project costs to range between \$3 million and \$6 million, with part of the cost to be shared by the State and the federal government, if funds are available.

These additional revenues within the State Water Plan would also provide a source of funding for future restoration projects in the much larger reservoirs in the state. The Water Authority has also approved the study of this subject, of which the demonstration project is one of the first visible steps in gathering data for that policy study.

## **For Committee Consideration**

The Governor's budget for FY 2006 proposes expenditures from the State General Fund (SGF) which includes the revenues generated from the Clean Drinking Water Fee. In addition, the KWA has taken action to support the restoration of the SGF demand transfer to the FY 2006 State Water Plan Fund as Phase I of its Water Plan Projects Initiative. The Governor has recommended full restoration of the SGF demand transfer in her budget recommendations. As a result, the July 1, 2006, date proposed in HB 2017 would result in revenue shifts that are consistent with the aforementioned KWA policy.

In addition, discussions have ensued among water agencies and the Governor's office regarding Phase II of the Water Plan Projects Initiative which would be proposed for implementation in FY 2007. Phase II would look to restore additional SWPF revenue by transferring certain SWPF programs and activities historically funded by the SGF back to the SGF.

## **Position of the Kansas Water Authority**

The Kansas Water Authority supports the bill with the House Committee amendments to change the date that the revenue would start flowing into the State Water Plan Fund in July 1, 2006.

I would like to thank you, Senator Umbarger and members of the Committee for your time and attention today. I would be happy to stand for questions.



**TO:** Members of the Senate Ways and Means Committee  
**FROM:** Donald R. Seifert, Municipal Services Director  
**SUBJECT:** HB 2017; Clean Drinking Water Fee  
**DATE:** March 21, 2005

On behalf of the city of Olathe, thank you for the opportunity to appear today in support of HB 2017. This bill, passed overwhelmingly by the House, would redirect funds collected under the clean drinking water fee from the state general fund to the state water plan fund for activities consistent with the state water plan.

The clean drinking water fee of \$.03 per thousand gallons was imposed on January 1, 2002 on all public water supply systems unless they opted out and continued to pay sales tax on direct and indirect purchases. As the 5<sup>th</sup> largest public water provider in the state, the city has a keen interest in the use of these funds. Since January 1, 2002 the city of Olathe has paid nearly \$350,000 in drinking water fees to the state on the sale of some 11.5 billion gallons of water. We believe it is appropriate for a portion of these funds to be used to protect the sources of that drinking water.

The city supports the intent of this bill: to direct the clean drinking water fee revenue stream toward the preservation of clean drinking water. This could include technical assistance to public water systems, watershed protection activities, or lake restoration projects, all in conformance with the state water plan. A significant portion of Olathe's water supply comes from surface water. With the help of state and federal agencies, the city has completed extensive watershed research and is currently engaged in implementing watershed protection measures. The city has expressed a strong interest to state and federal agencies about using a city lake for a project to demonstrate the technical, environmental, and financial feasibility of small lake restoration. Extending the useful life of our drinking water reservoirs is a critical state and national issue that cannot be indefinitely postponed. Dedicated resources, like the clean drinking water fee, are needed to support efforts to preserve our water resources for future generations. We believe this bill represents good public policy in the use of these fees collected from water suppliers.

Thank you again for the opportunity to appear today. We urge the committee to support this bill.





KANSAS  
RURAL  
WATER  
*association*  
Quality water, quality life

P.O. Box 226 • Seneca, KS 66538 • 785/336-3760  
FAX 785/336-2751 • <http://www.krwa.net>

Comments on House Bill 2017  
Before The Senate Ways and Means Committee  
Monday March 21, 2005

Mr. Chairman and Members of the Committee:

My name is Dennis Schwartz. I am a member of the board of directors of the Kansas Rural Water Association and also Manager of Rural Water District No. 8, Shawnee County. The Kansas Rural Water Association appreciates this opportunity to comment on House Bill 2017. The Association has more than 750 municipal and rural water systems as members.

HB 2017 would credit the payments being made by city and rural water districts to the Clean Drinking Water Fee to be credited to the benefit of the Kansas Water Plan. The Clean Drinking Water Fee was enacted in the 2000 Session as an option for public water systems versus the very difficult issue of compliance with the application of sales taxes on purchases. More than 800 cities and rural water districts presently pay into the Clean Drinking Water Fee, which is \$0.03 per thousand gallons sold at retail. Additional systems are changing to pay the Fee vs. pay sales tax on purchases.

The members of the Kansas Rural Water Association are of the opinion that the needs of public water systems should receive priority for funding. The initiatives of the Kansas Water Plan are determined through a process that provides full discussion and consideration of the needs. Although public water systems have generally always thought of themselves as providing services that are governmental vs. proprietary in nature, water systems paying the Fee would like to see a more direct return in benefits. That is why the Association and its members support crediting the Fee to the State Water Plan.

The 24-member Kansas Water Authority provides advice to the Governor and Kansas Legislature on water issues. As I am also a member of the Authority, I know that projects fit into four broad categories that will offer region-specific solutions to unfinished water business that will collectively benefit all Kansans. The categories are: facilitating regional public water supply systems; extending and conserving the life of the High Plains/Ogallala aquifer; developing effective watershed protection and restoration strategies and financing long-term water storage debt and recreational river access.

Successful completion of the projects depends on support from the public and action by the Governor and Legislature to fully restore funding for the State Water Plan Fund, a dedicated funding source for water projects. HB 2017 is a move in that direction; it is overdue and for that reason, the Kansas Rural Water Association respectfully requests that you give favorable consideration to this bill.

Respectfully,

Dennis Schwartz  
Director, Kansas Rural Water Association

Senate Ways and Means  
3-21-05  
Attachment 5

Comments To:  
Senate Ways and Means Committee  
Regarding HB 2017  
Submitted by: Kansas Biological Survey  
March 21, 2005

Representative Umbarger, members of the Committee, my name is Paul Liechti, Assistant Director of the Kansas Biological Survey (KBS). Ed Martinko, State Biologist and Director of the Survey, was unable to attend this hearing but felt that it was important to provide comments on HB 2017. On behalf of KBS, I would like to thank you for the opportunity to speak before the committee.

The Kansas Biological Survey is a research and service unit of the University of Kansas and a non-regulatory agency of the State. We have had an active water research program for more than 40 years and have conducted studies in streams, State and Federal reservoirs, wetlands, and at the pond facility located at the University of Kansas Field Station and Ecological Reserves. We have extensive experience in water quality assessment, watershed monitoring, and, in combination with our Kansas Applied Remote Sensing Program, the expertise to provide information on past, present, and future reservoir conditions using geospatial technologies.

The importance of providing safe, clean drinking water and protecting the sources of drinking water is without question. However, water supply lakes are also important for other reasons as well, such as recreation and flood control. A number of our water supply lakes, both large and small, are currently experiencing water quality problems and are in need of protection to slow the aging process (accumulation of sediment and plant nutrients). An added benefit of protecting water supply lakes is that the streams in the watersheds that feed the lakes would likely also receive an increased level of protection which would help sustain the aquatic life that depend on these streams. As amended, HB 2017 would insure that these protection measures are or will be put in place.

Renovation of some public water supply lakes to improve water quality and recover lost storage capacity may well be necessary and serve as a reasonable alternative to building a new reservoir, especially if an appropriate site for a new lake is not available. Because renovation can be expensive, we are pleased to see that an amendment has been added for the development of rules and regulations to evaluate proposed projects. If renovation is undertaken, safeguards clearly need to be in place to avoid degrading an existing water supply during the process of renovation. We assume some of the funding resulting from HB 2017 would also be used to identify the appropriate safeguards.

Additional funding will be essential to continue to provide the clean drinking water that we all expect, but all too often take for granted when we turn on the tap. We believe that HB 2017, as amended, is a step in the right direction.

Again, I would like to thank you for the opportunity to speak to the committee and it would be my pleasure to answer any questions that you may have.

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3-21-05  
Attachment 6

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2116 Relating to the Creation of Statutory Protections for Certain  
Federal Funds and Antelope Transferable Permits  
To  
Senate Ways & Means Committee**

**By J. Michael Hayden  
Secretary  
Kansas Department of Wildlife and Parks**

**March 21, 2005**

House Bill 2116 was originally introduced by the Kansas Department of Wildlife and Parks (KDWP) to protect certain funds from expenditures other than those authorized by state and federal law. The provisions of this bill would be effective on July 1, 2005.

The Division of the Budget has created several new funds to assist in the tracking of federal aid revenues and expenditures, separate from fees collected by the KDWP. These funds, as described in HB 2116, are the federal aid equivalent to existing funds already protected by state and federal law. In order for KDWP to maintain compliance with state and federal statutes on the uses of boating and wildlife funds, the four federal funds created by the Division of the Budget need to have the same protection as currently exists for the wildlife and boating fee funds. The four funds that HB 2116 would protect are the Boating Fund-Federal, Wildlife Conservation Fund-Federal, Wildlife Fee Fund-Federal, and Non-Game Wildlife Improvement Fund-Federal.

The bill was amended on the House floor to include a provision that would make landowner/tenant antelope permits transferable. **The Department is opposed to this portion of the bill and requests the Committee remove the amendment.**

Pronghorn antelope management in Kansas is very unique. The population of antelope, located primarily along the Colorado-Kansas border, is an estimated 2,000 animals, few of which are trophy quality. That is an exceedingly small number when compared to other states' herds. For example, Wyoming has more than 400,000

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Attachment 7*

antelope, many of which are trophy quality. A survey of almost 1,500 Boone and Crockett antelope entries shows only 3 from Kansas, and, as with the deer herd, financial opportunity is relative to the trophy value of the herd.

The fee for nonresident permits in other states, which have large tracts of public land on which to hunt, averages \$150-300 per permit. Presuming that permits could be sold in the neighborhood of \$300, the financial gain after paying for the permit, hunting license, and a transfer fee could be approximately \$150-\$180. Therefore, the net financial gain from firearms permits only, spread out across 14 counties, could be approximately \$5,200, based on half of the landowner permits being transferred.

Kansas has very little public land, particularly in the range of the antelope, and the success of the current system is dependent on access to land. These same landowners could just as easily charge an access fee to obtain the same fiscal net gain, without reducing resident opportunities. More than 1,000 residents apply annually for a firearm antelope permit, and it usually takes 5-6 years for a resident to get drawn for a permit.

Currently the Department is exploring other options for antelope, including reducing some restrictions on permitting. In the current form, the bill would allow the purchase of landowner-tenant permits by landowners and tenants who have no antelope on their properties, but the permit could be used elsewhere in the antelope management unit they live in. Based on the regulatory scheme and direction the Department is proceeding, this would have an unknown, but potentially damaging biological impact should a large number of landowner and tenants purchase the currently unlimited archery antelope permits.

Finally, in a 2000 master's thesis entitled, "Survey of landowner attitudes toward pronghorn in western Kansas, 68% of respondents wanted no antelope on their land and only 11% indicated hunting related income would improve their acceptance of pronghorn. This indicates transferable permits would have minimal impact on attitudes of landowners with regard to pronghorns. **The Department would appreciate the Committee's support in removing this portion of the bill and passing the original bill out favorably.**





## TESTIMONY

To: The Senate Ways & Means Committee  
Sen. Dwayne Umbarger, Chairperson

From: Mike Beam, Senior Vice President

Date: March 21, 2005

Subj: **Section 5 of HB 2116** - Legislation authorizing a landowner or tenant to transfer their antelope hunting permit to a resident or nonresident.

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,600 members on legislative and regulatory issues. KLA members are involved in many aspects of livestock production, including cow-calf/stocker enterprises, cattle feeding, seed stock production and diversified farming operations.*

*Kansas ranked second nationally with 6.65 million cattle on ranches and in feedyards as of January 1, 2004. The state's beef industry consumes 72% of the corn, 16% of the soybeans, and 60% of the hay grown in Kansas. At over \$5 billion, cattle sales typically generate nearly two-thirds of all annual agricultural receipts.*

Thank you for the opportunity to voice our support for Section 5 of HB 2116. Section 5 contains current statutory language with a new provision (*italicized language*) to allow landowners or tenants the ability to transfer their antelope permit to a resident or nonresident hunter.

### Background:

Each year the Kansas Department of Wildlife and Parks (KDWP) conduct aerial surveys of pronghorn antelope populations. These counts are used to determine the appropriate number of firearm hunting permits, by management unit, which should be issued for the following hunting season. In recent years, the agency has issued around 100-150 firearm permits. It's our understanding there were 134 firearm and muzzleloader permits available in 2004. (KDWP issues unlimited resident archery permits for antelope.)

It's KDWP policy to issue 50% of the firearm tags to resident hunters and 50% of the tags to eligible landowners and tenants in management units' 2, 17, and 18 (western Kansas). Because of the demand for these permits, KDWP holds a drawing each year for resident and landowner-tenant applicants.



Purpose of HB 2459:

The purpose of this bill is to allow landowners and tenants, who are successful in the drawing, to transfer and/or resell their permit (antelope hunting rights) to resident or nonresident hunters. The bill also allows the agency to collect additional fees for administering these transfers.

We believe there are several advantages to this proposal:

- Residents unsuccessful in the drawing would have an opportunity to acquire a permit from a landowner or tenant who is willing to transfer their permit.
- Although there will be a limited number of landowner-tenant transferable firearm permits issued annually, approximately 50 landowner-tenants could resell their permits and receive some additional compensation for providing habitat to antelope and/or access to their property for this recreational opportunity.
- Transferable tags, as proposed by this legislation, would allow a limited number of nonresidents to hunt antelope in Kansas. This would enhance some additional rural tourism opportunities.

We are willing to consider amendments that improve the administration of the program.

In closing, we thank the Chairman and Committee for your time and consideration.

I'm anxious to respond to any questions or comments.

Thank you.

# SMITH RANCH

To: The Senate Ways & Means Committee  
Sen. Dwayne Umbarger, Chairperson

From: Mark E Smith  
1445 Rd 26  
Wallace, KS 67761

Date: March 21, 2005

Re: **Testimony in support of House Bill 2116 (Section 5)**

I am a third generation farmer and cattlemen from the Wallace and Greeley County areas of far western Kansas. I have an irrigation and dry-land farm that produces corn, wheat, and alfalfa. I am also in the livestock business raising and feeding cattle.

In 1993 my family was awarded the National Cattlemen's Beef Association Environmental Stewardship Award and in 1994 our family was recognized as the Farm Journal Farm Stewards of the year. Our family has always believed there is a direct relationship between farming/ranching and wildlife stewardship.

Approximately 90% of the Nations wildlife lives on private land in our country. In Kansas this percentage is probably higher and private landowners support the habitat for the majority of the state's wildlife population. This is especially true for the state's antelope population, which is primarily located in a few counties in western Kansas.

I believe this legislation (*Section 5, subsection (s), page 7*) would be a win-win situation for the private landowners, resident and nonresident hunters, and antelope management for the state of Kansas. These landowner-tenant transferable permits would give us a chance for some additional compensation for providing habitat to antelope and more importantly help improve the attitudes of the landowners toward this species.

About 20 years ago I was a member of the Kansas Department of Wildlife and Parks Pronghorn Antelope Committee. One of the main issues we faced is how could we create a more positive acceptance of antelope, among farmers and ranchers, in areas where antelope inhabit? This problem has been a challenge as long as I can remember.

The change of policy, as proposed by this legislation, would be a great step in the right direction for the landowner/tenants of western Kansas.

Thank you.

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3-21-05  
Attachment 9



## ***Kansas Farm Bureau*** **POLICY STATEMENT**

### **Senate Ways and Means Committee**

#### **Re:HB 2116, An act concerning wildlife and parks**

**March 21, 2005**

**Submitted by:**

**Steve M. Swaffar**

**Director of Natural Resources**

---

Chairman Umbarger and members of the committee thank you for this opportunity to provide testimony in favor of House Bill 2116. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

KFB supports all the provisions of HB 2116; however my statement specifically addresses the amendment made to House Bill 2116. The amended portion of the bill establishes a system for landowners to transfer landowner antelope tags to both residents and nonresidents. The system, as contemplated by the bill, is conceptually similar to the one already established for transferable landowner deer permits. We believe the proposed antelope tag system could provide similar benefits to landowners that the transferable deer tags have provided.

In areas of the State where antelope occur, large groups of antelope do tend to move and feed in groups, particularly in the winter. These groups will feed on young crops and can cause considerable crop damage in localized areas. For landowners who have no desire to hunt antelope, HB 2116 would allow them to obtain a tag, provide a hunting opportunity to a willing hunter, and reduce the pressure on their crops from antelope. By establishing this permit system farmers can further reduce the damage to crops and may begin to see a value in the antelope herd.

Since HB 2116 does not call for more antelope permits to be issued, there will not be any greater pressure on the antelope herd and the transferable permits will not have a detrimental impact on the herd. Additionally, the bill allows the Department to charge an administrative fee for the transfer of the tag; this should prevent a fiscal impact to the Department. We encourage this committee to move HB 2116 out of committee. Thank you for this opportunity to provide testimony.

*Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.*

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**Testimony Prepared for the Senate Ways & Means Committee  
In Support of HB 2116**

**March 21, 2005**

My name is Dan Ward, and I'm the Executive Director of the Kansas Wildlife Federation. KWF is a 54-year old organization dedicated to the wise use, conservation, appreciation, and the restoration of our state's wildlife and natural environment. We approach this mission primarily from the perspective of hunting and fishing, which are important traditions in Kansas. Over 500,000 hunters and anglers spend close to one billion dollars in the state each year. The Kansas Wildlife Federation is a member-supported organization, and we receive no funding from state or federal agencies.

While we support the original intention of HB 2116, KWF has strong concerns that we have shared with each member of the Ways & Means Committee, around a last-minute amendment on the House floor, which would create a transferable tag system for antelope, similar to what has happened with deer tags in the state. This is an attempt to jump-start HB 2459, which was tabled in the House Wildlife, Tourism & Parks Committee.

It's worth noting that in that Committee, the KDWP offered to work with the Kansas Livestock Association and that Committee to come up with non-resident antelope archery tags, which would allow landowners to benefit economically from having antelope on their property. Rather than take the KDWP up on that offer, the supporters of the bill took a different approach.

While KWF members differ in their feelings on non-resident hunting and commercial hunting enterprises, we all agree that the system as it currently stands for deer is not benefiting the resource or the resident hunter. I've traveled over 30,000 miles since the end of the last legislative session, and have probably addressed thousands of people in different speaking engagements. I have yet to hear anyone who is pleased with how our deer permit system is currently operating, including commercial guide services.

The House Wildlife, Tourism & Parks Committee, after hearing Chris Tymeson speak on the history of deer management in Kansas, asked the KDWP to come up with a proposal for the 2006 session on how deer hunting can be simplified in the state.

Given this overall context in regards to the current system for deer, we feel it would be a serious error to begin taking antelope hunting down the same path. We ask that this Committee strip HB 2216 of language that would begin transferable antelope permits.



KANSAS COURT OF APPEALS

GARY W. RULON  
CHIEF JUDGE

301 WEST TENTH  
TOPEKA, KANSAS 66612-1507

(785) 296-6184  
FAX: (785) 296-7079

March 21, 2005

Senator Dwayne Umbarger, Chair  
Senate Ways and Means Committee  
State Capitol  
300 SW 10th  
Topeka, Kansas 66612

Dear Senator Umbarger:

As you may recall, K.S.A. 2003 Supp. 20-3002 provides for the addition of the thirteenth judge for the Kansas Court of Appeals, effective January 1, 2006. However, in prior years, Judges of the Court of Appeals supported a proposal which temporarily postponed increasing the number of Court of Appeals Judges. This year we again propose postponing the addition of another judge to this court.

Our Court is currently in the midst of a substantial renovation of the physical area occupied by the Court. Likewise, in the past several years, our Court has experienced a substantial change of judicial personnel. Consequently, we request the funding for Court of Appeals Judge number thirteen be delayed until the next legislative session, giving us the opportunity to reassess our needs for additional judges.

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Gary W. Rulon".

Gary W. Rulon  
Chief Judge

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THE HONORABLE DWAYNE UMBARGER, CHAIRMAN

SENATE WAYS AND MEANS COMMITTEE

STATEHOUSE, TOPEKA, KS

Each year, increasing numbers of Kansans are seeking quality justice in the courts of our State. Providing the citizens of Kansas with a quality judicial system is the responsibility not only of the Judicial Branch, but also the Legislative and Executive branches of our state government. It is the position of the Kansas District Judges' Association that to provide a quality system, judicial compensation must be set at a level to attract able and experienced attorneys to the bench and to retain competent, experienced judges. I would be less than candid to suggest that the level of salaries is the sole criteria by which attorneys decide whether to seek a judicial position. Perhaps the question of concern can be better stated by asking at what level of compensation are competent, qualified and experienced attorneys dissuaded from seeking judicial appointment or election.

Presumably, the State of Kansas expects its judges to possess above average levels of legal skills and experience.

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Assuming that an attorney's income is an indicator of that attorney's legal skills and experience, we can compare judicial salaries with the income of above average attorneys. In 1999 the Kansas Citizens Justice Initiative issued its final report and one of the items addressed was that of judicial compensation. Their recommendation was that the State should attempt to provide salaries at least approaching the 75<sup>th</sup> percentile in the experience level (20 years ) from which most judges are most likely to be recruited. Stated in other terms, we need to recruit able lawyers who in mid-career are willing to make a commitment to public service.

According to the Kansas Bar Association survey, as adjusted for inflation using the consumer price index, the average income for attorneys in this range is \$142,320. This compares with the 2003 salary of district judges of slightly more than \$100,000. Based upon this data, Kansas cannot expect to attract an above average attorney to the trial bench unless that attorney has less than fifteen (15) years of experience. The twenty-five (25) full law professors at KU (excluding the Dean) who are on a nine month term, average \$130,247. Only eleven make less than our Chief Justice, and only two make less than a district judge. The Dean earns \$86,688 more than the Chief Justice of the Kansas Supreme Court. The city attorney for

Overland Park is paid an annual salary of approximately \$135,000, or approximately \$31,000 more than a Johnson County District Judge, and \$13,600 more than the salary paid to the Chief Justice of the Kansas Supreme Court. The Kansas District Judges' Association is not suggesting that Kansas Judges are generally unqualified or inferior today, however the quality of the bench may be threatened in the near future if nothing is done to improve judicial salaries. We believe that public service generally involves some sacrifices, and recognize that public employees simply do not attain levels equal to the top pay scale in the private sector. However be it Engineers, Doctors , Computer Programmers or Judges, that are working for government entities, they must be paid salaries that are in line with the private sector, or we will cease to have a pool of well-qualified candidates.

Since 1989, a period of 15 years, Kansas judges have received one raise of \$3,218 in FY 2000, excluding COLA's. The Judicial budget as submitted provides for an increase which will be much less than offered in the public sector. As one judges related to me, I sit on the bench, listening to two attorneys, half my age, with half my experience and half my knowledge and making twice my pay and



sometimes I wonder why. The Kansas District Judges' Association strongly supports the budget as submitted.

Respectfully submitted,

Meryl D. Wilson

District Judge 21<sup>st</sup> Judicial District

**KANSAS  
JUDICIAL SALARIES**

**A Report prepared by the Kansas District Judge Association  
Committee on Compensation and Retirement**

## Summary of

### Report on Kansas Judicial Salaries

*It would hardly seem debatable that there is a direct relationship between the level of judicial salaries and the competence of attorneys attracted to the judiciary. To provide a quality justice system for Kansas citizens, judicial compensation must be set at a level that able and experienced attorneys will be attracted to the bench, and competent, experienced judges will be retained.*

*We would be less than candid if we suggested that the level of salaries is the sole criteria by which attorneys decide whether to seek a judicial position. Perhaps the question of concern can be better stated by asking at what level of compensation are competent, qualified, and experienced attorneys dissuaded from seeking judicial appointment or election.*

#### **Judicial Salaries-National and Regional:**

- Judges in thirty-eight states are paid higher salaries than Kansas judges.
- Kansas judges are paid \$10,312 less than the national median salary for trial court judges (adjusted to 2004) and \$13,325 less than the 2003 national average (adjusted to 2004).
- Kansas judges are paid lower salaries than judges in nearby states, including Missouri, Nebraska, Colorado, Iowa, and Arkansas.
- Kansas judges receive \$14,896 per year less than the highest salary (Arkansas) and \$8,600 per year less than the average of salaries paid to judges in the six nearby states.

#### **Kansas Attorneys' Income:**

- In 1996, the average income of Kansas attorneys with 15-19 years experience was \$92,820. Adjusted for inflation, this equates to a 2003 salary of \$110,085, or \$9,860 more than the comparable district judge salary.
- The median income of Kansas attorneys with twenty or more years of experience was \$98,500 and the average income was \$109,867. This equates to a 2003 median income of \$116,821 (\$16,596 more than the district judge salary) and a 2003 average income of \$130,302 (\$30,077 more than the district judge salary).
- The city attorney of Overland Park, Kansas is paid \$13,600 more than the Chief Justice of the Kansas Supreme Court and approximately \$31,700 more than a Johnson County District Judge.

#### **Per Capita Income/Judicial Salaries-Kansas and Other States:**

- Kansas 2003 per capita income ranked 26th nationally; Kansas judicial salaries ranked 39<sup>th</sup> nationally.
- Of nearby states, only Colorado and Nebraska had a higher per capita income than Kansas; Kansas judges are paid less than judges in all of those states, except Oklahoma.
- From 1996 through 2003, Kansas per capita income increased 29.22%; Kansas judges salaries increased 19.51%.

- Of ten states having a comparable per capita income to Kansas, Kansas judges are paid less than judges in any of those ten states, with the exception of Oregon and South Dakota.
- In 2003, the average salary for judges in the ten states having a comparable per capita income was \$111,501.

**Kansas State Officials and Employees:**

- **The twenty-five full law professors at KU (excluding the dean), who are on a 9 (nine) month term, average \$130,247. Of these twenty-five professors, only eleven (11) make less than the Chief Justice and only two (2) earn less than a district judge. The law school dean, who is on a 12-month appointment, earns \$86,688 more than the Chief Justice of the Kansas Supreme Court.**

**Fiscal Note:**

- The estimated fiscal note to increase judicial salaries to the national median is \$301,238 for appellate justices and judges, \$2,219,193 for district judges, \$43,799 for senior judges, \$512,683 for district magistrate judges. An additional \$90,875 would increase the salary of chief judges, providing a more appropriate and meaningful increase above the salary of district judges.

As with all FY 2006 budgets, this proposal must include a 27<sup>th</sup> paycheck for the year. The total cost of the proposal is as noted below.

	<b>Annual Cost</b>	<b>27<sup>th</sup> Pay Period</b>	<b>FY 2006 Total Cost</b>
Appellate Judges	\$290,081	\$11,157	\$301,238
District Court Judges	\$2,137,001	\$82,192	\$2,219,193
District Magistrate Judges	\$493,695	\$18,988	\$512,683
Senior Judges	\$42,177	\$1,622	\$43,799
Chief Judge Proposal	\$87,509	\$3,366	\$90,875
	<u>\$3,050,463</u>	<u>\$117,325</u>	<u>\$3,167,788</u>



# KANSAS JUDICIAL SALARIES

## A Report prepared by the Kansas District Judges Association Committee in Compensation and Retirement

### Introduction

Each year, increasing numbers of Kansans are seeking quality justice in the courts of our state. We think the question can fairly be asked whether the present salary level of the Kansas judges, without significant adjustments, is adequate to ensure Kansans that their case will be presented to qualified, competent, and experienced judges.

For many years Kansas judges have actively lobbied the Kansas Legislature for an increase in judicial compensation that would bring the salaries of Kansas judges to the national median. For the first time since 1999, judges seek a salary increase that would place the Kansas compensation level at or near the national median. In FY 1988 and FY 1989, judges received 7% salary increases, reflecting a legislative effort to bring Kansas judges to the national median. In subsequent years, Kansas judicial salaries began to drop further below the national median, until a FY 2000 salary increase helped to some extent. However, since FY 2000, judges have received cost of living adjustments, but nothing more. In FY 2003, judges did not even receive a cost of living adjustment. Since 1989, a period of 15 years, Kansas judges have received one raise of \$3,218 in FY 2000.

Whether Kansas judges are being fairly compensated is a matter that can be, and has been, the subject of debate between individual judges and legislators. Unfortunately, that debate may have clouded an issue of greater concern than the personal gain of judges or the political concerns of legislators—the issue of the public’s interest in having a quality judicial system. Providing the citizens of Kansas with a quality judicial system is the responsibility not only of the Judicial Branch, but also the Legislative and Executive Branches of our state government.

It would hardly seem debatable that there is a direct relationship between the level of judicial salaries and the competence of attorneys attracted to the judiciary. To provide a quality justice system,

judicial compensation must be set at a level to attract able and experienced attorneys to the bench and to retain competent, experienced judges. The Kansas Judicial Branch cannot continue to provide quality justice to the citizens of Kansas without the Legislative and Executive Branches providing fair and adequate compensation to Kansas judges.

We would be less than candid if we suggested that the level of salaries is the sole criteria by which attorneys decide whether to seek a judicial position. Perhaps the question of concern can be better stated by asking at what level of compensation are competent, qualified, and experienced attorneys dissuaded from seeking judicial appointment or election.

### **Salary Comparison – Judges Other States**

As of January 1, 2003, Kansas trial judges received an annual salary of \$100,255. Thirty-eight state paid their judges higher salaries than the salaries received by Kansas judges.<sup>1</sup> Kansas trial judges received approximately \$10,000 less than the national median salary of \$113,544. Nationally, the range of annual salaries of general jurisdiction trial court judges varied from a high of \$154,700 in the District of Columbia to a low of \$88,164 in Montana.<sup>2</sup>

The justices of the Kansas Supreme Court have fared no better than the trial judges. The Supreme Court justices' salary for 2003 was \$116,111, which was still \$9,181 less than the 2003 national median.

The average salary paid to the trial judges in the states shown in Table 1 was \$107,380. Kansas trial judges were paid nearly \$15,000 less than the highest paid (Arkansas), less than \$5,000 above the lowest salary (Oklahoma), and approximately \$7,000 less than the average.

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<sup>1</sup> *Survey of Judicial Salaries*, National Center for State Courts, Vol. 28, Number 2

<sup>2</sup> *id.*

**Table 1**  
**Judicial Salaries – Central States**  
**Trial Courts, Intermediate Appellate Courts and Highest Appellate Court**  
**(as of July 1, 2004)**

	Kansas	Missouri	Iowa	Nebraska	Colorado	Oklahoma	Arkansas
<b>Trial</b>	\$103,232	\$108,000	\$112,010	\$110,330	\$107,044	\$95,898	\$118,128
<b>Intermediate Appellate Court</b>	\$114,118	\$115,000	\$115,540	\$113,312	\$109,137	\$101,714	\$122,093
<b>Highest Appellate Court</b>	\$118,212	\$123,000	\$120,100	\$119,276	\$113,637	\$106,716	\$126,054

**Judicial Salaries – Attorney Income**

Presumably, the State of Kansas expects its judges to possess above average levels of legal skills and experience. Assuming that an attorney's income is an indicator of that attorney's legal skills and experience, we can compare judicial salaries with the income of above average attorneys. A 1997 Kansas Bar Association study of attorneys' income in Kansas provides the basis for a comparison of judicial salaries and attorneys' incomes.<sup>3</sup>

In 2003, attorneys with fifteen to nineteen years of experience had an average income of \$110,085, based on a 1996 Kansas Bar Association survey, as adjusted for inflation using the Consumer Price Index [CPI]. Attorneys in the top 25% of that range of experience have incomes of approximately \$142,320, as adjusted for inflation. The median income of attorneys with twenty or more years of experience was \$116,821 and their average income was \$130,302, as adjusted for inflation. This compares with the 2003 salary of district judges of slightly more than \$100,000. Based on this data, Kansas cannot expect to attract an above average attorney to the trial bench unless that attorney has less than fifteen years experience. To attract an attorney from the 75th percentile group, that attorney will likely have less than ten years experience. In 1998 the Kansas Citizens Justice Initiative Committee issued its final report. On the issues of compensation of judges, the committee

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<sup>3</sup> 1997 *Economic Survey of Kansas Lawyers*, Journal of the Kansas Bar Association, December 1997, Vol. 66, No. 10

stated, “We believe that, to hire from among the best Kansas lawyers, the State should attempt to provide judicial salaries at least approaching the 7<sup>th</sup> percentile in the experience level from which judges are most likely to be recruited, i.e., those lawyers with from 10 to 20 years of experience.” Recommendation number six of the report was to increase the salaries an additional \$10,000 beyond current salaries, in addition to any cost of living increases. In the opinion of the committee, this was the amount necessary to bring district judges salaries roughly to the median income statewide for attorneys with 20 to 29 years of experience. Five years later this gap has increased to \$16,596.

In Johnson County, the city attorney of Overland Park is paid an annual salary of approximately \$135,000, or approximately \$31,800 more than the annual salary of a Johnson County district judge, and approximately \$13,600 more than the salary paid to the Chief Justice of the Kansas Supreme Court.

The average income of male attorneys<sup>4</sup> categorized by the number of years in the practice of law is shown in Table 2:

**Table 2**  
**Kansas Attorneys’ Income by Years in Practice**

<b>Years in Practice</b>	<b>Percentile 25</b>	<b>Percentile 25 Adjusted to 2003</b>	<b>Median</b>	<b>Median Adjusted to 2003</b>	<b>Mean</b>	<b>Mean Adjusted to 2003</b>	<b>Percentile 75</b>	<b>Percentile 75 Adjusted to 2003</b>
<5	31,750	37,656	38,500	45,661	41,244	48,915	49,250	58,411
5-9	40,000	47,440	52,000	61,672	51,989	68,775	70,000	83,020
10-14	50,000	59,300	74,000	87,764	84,338	100,025	114,250	135,501
15-19	50,000	59,300	80,000	94,880	92,820	110,085	120,000	142,320
20-29	65,000	77,090	98,500	116,821	109,867	130,302	134,500	159,517
30-39	72,000	85,392	90,000	106,740	112,933	133,346	140,000	166,040

<sup>4</sup> The study provided statistical data showing the net income of Kansas attorneys by gender and number of years in practice. The net income of female attorneys was shown to be lower than that of male attorneys.



### Judicial Salaries – Per Capita Income

The 2003 per capita income of Kansas ranked 26th in the nation.<sup>5</sup> The 2003 per capita incomes and the national rankings for Kansas and nearby states are shown in Table 3. Of the surrounding states, only Colorado and Nebraska had a higher per capita income than Kansas.

**Table 3**  
**Central States**  
**Per Capita Income, National Ranking**

	<b>Kansas</b>	<b>Missouri</b>	<b>Iowa</b>	<b>Nebraska</b>	<b>Colorado</b>	<b>Oklahoma</b>	<b>Arkansas</b>
<b>Income</b>	<b>29,935</b>	29,252	29,043	30,283	30,283	26,656	24,289
<b>US Rank</b>	26	30	33	21	8	39	49

While Kansas citizens enjoyed the third-highest per capita income in the seven states, Kansas judges were paid less than the judges in any of our neighboring states, with the exception of Oklahoma. From 1996 to 2003, Kansas per capita income rose from \$23,165 to \$29,935, an increase of 29.22%. In the same time period, salaries of district judges increased 19.51%. A comparison of the per capita income rankings of the states and the ranking for salaries paid to general trial judges is shown in Table 4.

**Table 4**  
**1996 National Ranking – Per Capita Income and Judicial Salaries**

	<b>Kansas</b>	<b>Missouri</b>	<b>Iowa</b>	<b>Nebraska</b>	<b>Colorado</b>	<b>Oklahoma</b>	<b>Arkansas</b>
<b>US Rank-Judges</b>	39	30	26	25	35	43	18
<b>US Rank-Per Capita Income</b>	26	30	33	21	8	39	49

<sup>5</sup> Bureau of Economic Analysis, US Department of Commerce, July 24, 1997, and September 19, 1997, news releases.

Table 5 provides a comparison of July 1, 2004, judicial salaries in those states having a 2003 per capita income comparable to the Kansas per capita income. For purposes of this comparison, ten states were selected: the five states ranking nationally twenty-first through twenty-fifth and the five states ranking nationally twenty-seventh through thirty-first. With two exceptions, Oregon and South Dakota, trial judges in these states were paid more than Kansas trial judges. The average salary for the eleven states was \$111,501.

**Table 5**  
**1996 Per Capita Income and Judicial Salaries Ranking**

State	Per Capita Income	National Rank (PCI)	Judge Salary	National Rank (Judge \$)
<b>Nebraska</b>	30,758	21	110,330	19
<b>Vermont</b>	30,740	22	104,355	37
<b>Florida</b>	30,446	23	133,250	8
<b>Michigan</b>	30,439	24	139,919	5
<b>Ohio</b>	29,994	25	107,600	31
<b>Kansas</b>	<b>29,935</b>	<b>26</b>	<b>100,255</b>	<b>39</b>
<b>Georgia</b>	29,442	27	121,938	13
<b>Texas</b>	29,372	28	109,158	27
<b>Oregon</b>	29,340	29	95,800	44
<b>Missouri</b>	29,252	30	108,000	30
<b>South Dakota</b>	29,234	31	95,910	42

**Judicial Salaries – Other State Officials and Employees**

The twenty-five (25) full law professors at KU (excluding the law school dean) who are on a nine (9) month term, average \$130,247. Because some of the professors are “distinguished professors,” a modest amount of some salaries come from sources outside the normal channels. Of these 25 full professors, only eleven (11) make less the Chief Justice and only two make less than a district judge. The Chairman of the department, who is on a twelve (12) month appointment, earns \$86,688 more than the Chief Justice of the Kansas Supreme Court.

**Table 6**  
**Salaries of State Officials and Employees**

Position Title	FY 2005 Salary
Dean, KU Law School	\$208,077
KU Law School Professor	\$165,132
KU Law Professor	\$163,558
KU Law Professor	\$163,267
KU Law Professor	\$158,748
KU Law Professor	\$156,202
KU Law Professor	\$155,350
KU Law Professor	\$152,314
KU Law Professor	\$150,877
KU Law Professor	\$140,756
KU Law Professor	\$130,528
KU Law Professor	\$127,500
KU Law Professor	\$127,077
KU Law Professor	\$123,646
KU Law Professor	\$123,636
KU Law Professors average	\$130,247
<b>Chief Justice – Supreme Court</b>	<b>\$121,389</b>
KU Law Professor	\$121,000
KU Law Professor	\$120,843
KU Law Professor	\$120,476
<b>Justice – Supreme Court</b>	<b>\$118,212</b>
<b>Chief Judge – Court of Appeals</b>	<b>\$117,134</b>
KU Law Professor	\$117,312
KU Law Professor	\$113,266
KU Law Professor	\$111,000
KU Law Professor	\$110,840
KU Law Professor	\$110,596
KU Law Professor	\$110,000
KU Law Professor	\$107,500
KU Law Professor	\$107,931
<b>Judge – Court of Appeals</b>	<b>\$ 114,118</b>
<b>Chief District Judge</b>	<b>\$104,368</b>
<b>District Judge</b>	<b>\$103,232</b>

## **Fiscal Note**

The estimated fiscal note to increase the salaries of Kansas district judges to the national median of \$113,544 is \$2,219,193. To increase appellate justices and judges to the national median requires \$301,238. District magistrate judges receive a salary that is approximately 47% of the salary of a district judge. A corresponding increase of district magistrate judges' salaries adds \$512,683 to the fiscal note, and a corresponding increase for senior judges adds \$43,799. To create a more appropriate salary differential between district judges and the 31 chief judges requires an additional \$90,875, for a **FY 2006 total of \$3,167,788**. As with all state salaries in FY 2006, this figure is somewhat higher than in other fiscal years due to the 27<sup>th</sup> paycheck that will be paid to all state employees in FY 2006.



KANSAS DISTRICT JUDGES ASSOCIATION  
LEGISLATIVE COMMITTEE

Hon. Thomas M. Tuggle, Chair  
Cloud County Courthouse  
811 Washington Street  
Concordia, KS 66901

Hon. Nancy E. Parrish  
Shawnee County Courthouse  
200 SE 7<sup>th</sup> Street  
Topeka, KS 66603

Hon. Meryl D. Wilson  
Riley County Courthouse  
100 Courthouse Plaza  
Manhattan, KS 66502

Hon. Larry T. Solomon  
Kingman County Courthouse  
130 N. Spruce Street  
Kingman, KS 67068

Hon. Robert J. Fleming  
Labette County Judicial Center  
201 S. Central  
Parson, Ks 67357

Hon. Earnest L. Johnson  
Wyandotte County Courthouse  
710 N. 7<sup>th</sup> Street  
Kansas City, Ks 66101

Hon. Daniel L. Love  
Ford County Courthouse  
P.O. Box 197  
Dodge City, Ks 67801

Hon. Richard M. Smith  
Linn County Courthouse  
315 Main Street  
Mound City, KS 66056

Hon. Stephen R. Tatum  
Johnson County Courthouse  
100 N Kansas Avenue  
Olathe, KS 66061-3273

**SENATE**  
Committee On  
**WAYS AND MEANS**

Hon. Dwayne Umbarger, Chairman  
March 21, 2005 - 10:30 a.m.  
Room 123-South

Testimony on behalf of the  
KANSAS DISTRICT JUDGES ASSOCIATION  
Judge Richard M. Smith  
P.O. Box 350  
Mound City, Kansas 66056-0350  
[judgeIndc@earthlink.net](mailto:judgeIndc@earthlink.net)

**SENATE BILL 296**

**FUNDING THE JUDICIAL SALARY INITIATIVE**

**THROUGH USER (DOCKET) FEES**

Thank you, Honorable Chairman and members of the committee for allowing me the opportunity to speak in favor of Senate Bill 296.

Judge Wilson has addressed the rationale behind the judicial salary initiative and it is my duty to address the fashion in which it would be funded. We are mindful of the fiscal state of affairs. We know this daunting situation is compounded by educational finance issues. Many of our members are fiscal conservatives and would not approve of this initiative even for their own benefit, if it would require a tax increase. That is why we are proposing, in essence, a user fee funding mechanism. This would be in the nature of a docket fee increase.

The projected cost of the proposal is \$3,167,788 in fiscal year 2006, and \$3,050,463 in subsequent years due to the 27<sup>th</sup> paycheck issue. SB 296 more than

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3-21-05  
Attachment 14*

offsets the cost, even for FY 2006. A chart is attached to my testimony outlining all the current fees, the increases and the results. It would provide for the following increases. Chapter 60 civil cases would increase \$39, so would domestic relations cases. Chapter 61 cases of less than \$500 through less than \$5,000 in controversy would increase \$2, and Chapter 61 cases making claim for greater than \$5,000 to less than \$10,000 could increase \$16. Small Claims would increase \$2. Criminal cases, both felony and misdemeanor, would increase \$8, and traffic cases would increase \$4.

This proposal would **net a projected \$3,197,417.**

Under our proposal there would be **no new court costs** and under our proposed plan there would be no increased costs to probate, lien filings, performance bonds or tax warrants.

Increases in the docket fees (even assuming the continuation of the surcharge) would maintain parity with other costs charged by the Federal Courts and our sister states. The Federal Court filing fee is being increased to \$250. Missouri charges \$150 for regular civil actions, and Colorado charges a filing fee of \$136, but also charges an answer fee of \$70. Domestic fees are \$153 in Missouri and \$144 in Colorado. Oklahoma's filing fees are less but it is our understanding that 100 % (unlike Kansas) goes directly to the courts including salaries. More detailed information can be provided regarding small claims and limited action cases if the committee would so request.

In summary, the Supreme Court issued a statement on February 1, 2005, that read:

On August 25, 2004, members of the Kansas Association of District Judges (KDJA) Executive Board met with the Court and discussed the issue of judicial salaries. The Supreme Court concurred then that KDJA

had demonstrated the need for a salary increase for Kansas district judges. In order to retain the existing salary spread among district judges, district magistrate judges, and appellate judges, it was necessary to include all judges in the salary proposal. The Supreme Court therefore included salary increases for all judges in the FY 2005 Judicial Branch enhancement budget, to be funded from the State General Fund.

After receiving feedback from legislators, representatives of the KDJA Executive Board again met with the Supreme Court on January 31, 2005, seeking the Court's position on funding the proposal through docket fee increases. The Court concludes that it is not opposed to consideration of funding the cost of the salary increase, in whole or in part, through reasonable and appropriate docket fee increases. However, it is important that docket fees not be set at a level that would deny Kansas citizens access to the court system.

We understand the General Fund has been stretched to the max. We appreciate the reluctance to rely on existing General Fund revenue. That is why we are proposing this increase in user fees to fund this necessary initiative. We believe Senate Bill 296 would accomplish the goals of insuring quality in the judiciary while not denying any citizen reasonable access to our courts.

Respectfully submitted,  
Richard M. Smith, Chief Judge  
Sixth Judicial District  
Mound City, Kansas



# BREAKDOWN BY JUDICIAL POSITION

	Annual Cost	FY 2006 Total Cost
Appellate Judges (Supreme Court and Court of Appeals)	\$ 290,081	\$ 301,238
Chief District Judges	\$ 87,509	\$ 90,875
District Court Judges	\$2,137,001	\$ 2,219,193
District Magistrate Judges	\$ 493,695	\$ 512,683
Senior Judges	<u>\$ 42,177</u>	<u>\$ 43,799</u>
<b>TOTALS</b>	<b>\$3,050,463</b>	<b>\$3,167,788</b>

**PROJECTED  
REVENUE**

**SB 296**

**\$3,197,417**

**TOTAL COST  
OF  
INITIATIVE**

**\$3,050,463 (Annual Basis)**

**\$3,167,778 (Fiscal Year 2006)**

**27<sup>th</sup> paycheck**

# SB 296 DOCKET FEE INCREASES

<u>Case Type</u>	<u>Increase</u>
Chapter 60	\$ 39.00
Limited Actions <500	\$ 2.00
>500 <5000	\$ 2.00
>5000 <10,000	\$ 16.00
Domestic Relations	\$ 39.00
Criminal - Felony	\$ 8.00
Criminal - Misdemeanor	\$ 8.00
Expungements	\$100.00
Probate (all filings)	\$ .00
Liens (all types)	\$ .00
Marriage Licenses	\$ .00
Tax Warrants	\$ .00
Traffic	\$ 4.00
Fish & Game	\$ 4.00

**REVENUE PRODUCED \$3,197,417**

maximize Chapter 60 and Minimize Traffic and Limited Actions  
(minimize limited actions more)

Type of Fee	Filings or Terminations	% of Cases Docket Fees Collected	Adjusted Filings or Terminations	Current Fee	Proposed Increase	Proposed Total	Increase From Proposal
<b>Civil</b>							
Chapter 60	25,684	98%	25,170	\$111.00	\$39.00	\$150.00	\$981,630
Limited Action (61)	152,878	98%	117,983				
<=\$500		55%	64,891	\$31.00	\$2.00	\$33.00	\$129,782
>\$500 or <=\$5,000		40%	47,193	\$51.00	\$2.00	\$53.00	\$94,386
>\$5,000 or <=\$10,000		5%	5,899	\$81.00	\$16.00	\$97.00	\$94,384
Small Claims	9,816	98%	9,620				
		55%	5,291	\$31.00	\$2.00	\$33.00	\$10,582
		45%	4,329	\$51.00	\$2.00	\$53.00	\$8,658
Domestic Relations	37,222	75%	27,917	\$111.00	\$39.00	\$150.00	\$1,088,763
<b>Criminal*</b>							
Felony	19,087	16%	3,054	\$152.00	\$8.00	\$160.00	\$18,324
Misdemeanor	19,813	38%	7,529	\$117.00	\$8.00	\$125.00	\$45,174
Expungements	500	100%	500	\$50.00	\$100.00	\$150.00	\$50,000
<b>Probate</b>							
Treatment of Mentally Ill							
Treatment of Alcohol or Drug	2,427	25%	607	\$30.50	\$0.00	\$30.50	\$0
Determination of Descent	1,263	98%	1,238	\$45.50	\$0.00	\$45.50	\$0
Guardianship	657	40%	263	\$65.50	\$0.00	\$65.50	\$0
Conservatorship	317	60%	190	\$65.50	\$0.00	\$65.50	\$0
Guardianship and							
Conservatorship	915	50%	458	\$65.50	\$0.00	\$65.50	\$0
Annual Reports	7,800	100%	7,800	\$5.00	\$0.00	\$5.00	\$0
Annual Accounting of							
Conservatorship over \$10,000	3,500	30%	1,050	\$5.00	\$0.00	\$5.00	\$0
Closing Conservatorship							
under \$10,000	1,000	100%	1,000	\$5.00	\$0.00	\$5.00	\$0
over \$10,000	1,000	100%	1,000	\$5.00	\$0.00	\$5.00	\$0
Trusteeship	128	98%	125	\$65.50	\$0.00	\$65.50	\$0
Probate of an Estate or a Will	3,923	100%	3,923	\$105.50	\$0.00	\$105.50	\$0
<b>Other Costs and Fees</b>							
Performance Bonds							
Delinquent Personal Property Tax							
Hospital Lien							
Intent to Perform							
Mechanic's Lien							
Oil and Gas Mechanic's Lien							
Pending Action Lien							
<b>Total</b>	<b>3,435</b>	<b>100%</b>	<b>3,435</b>	<b>\$10.00</b>	<b>\$0.00</b>	<b>\$10.00</b>	<b>\$0</b>
Employment Security Tax Warrant							
Sales and Compensating Tax Warrant							
State Tax Warrant							
Motor Carrier Lien							
<b>Total</b>	<b>4,812</b>	<b>100%</b>	<b>4,812</b>	<b>\$20.00</b>	<b>\$0.00</b>	<b>\$20.00</b>	<b>\$0</b>
Marriage License	19,121	100%	19,121	\$75.00	\$0.00	\$75.00	\$0
Driver's License Reinstatements	15,759	100%	15,759	\$55.00	\$0.00	\$55.00	\$0
<b>Traffic**</b>	<b>203,236</b>	<b>92%</b>	<b>186,977</b>	<b>\$60.00</b>	<b>\$4.00</b>	<b>\$64.00</b>	<b>\$665,638</b>
<b>Fish and Game**</b>	<b>3,417</b>	<b>83%</b>	<b>2,836</b>	<b>\$60.00</b>	<b>\$4.00</b>	<b>\$64.00</b>	<b>\$10,096</b>

**TOTAL FEES COLLECTED**

\$3,197,417

\* Criminal fees are adjusted by 25% to reflect delayed collection

\*\* Traffic and Fish and Game fees are adjusted by 11% to reflect delayed collection



KANSAS BAR  
ASSOCIATION

**Testimony in Support of**

**SENATE BILL 296**

**Presented by James W. Clark, KBA Legislative Counsel**

**Senate Ways and Means Committee  
Monday, March 21, 2005**

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The Kansas Bar Association is a voluntary, professional organization of more than 6,000 attorneys licensed to practice law in Kansas. Today, the KBA appears in support of **SB 296**.

The KBA has two long-established legislative policies that are enhanced by this Bill:

1. Support of judicial salaries to at least the nationwide median for judges while maintaining an appropriate salary differential between the trial and appellate bench, and;
2. Support of modification of the distribution system of docket fees to include only court-related funds.

Regarding the issue of judicial salaries, it is apparent that our judicial salaries are behind the national average and lag considerably behind the average income of Kansas attorneys who have been in practice for more than twenty years. This latter comparison is very important since future judges will come from this pool of attorneys who are most experienced in the practice of law in Kansas.

While the desire for public service and the prestige associated with donning judicial robes may be sufficient to entice experienced Kansas attorneys to consider an appointment or election to the Kansas bench, the fact that such attorneys will likely be subject to an immediate reduction in compensation, with no prospect for improvement in the near future may curtail such consideration.

Kansas judges have not had an increase in salary, other than cost of living increases afforded all state employees, for more than 13 years.

The KBA continues to believe that the courts, like schools, and police and fire protection are part of the general obligations of government and therefore should be funded by general fund money. We realize, however, the economic straits that the State has found itself in during the past several years, leaving insufficient general fund money for numerous critical governmental functions, including the court system.

Consequently, any funding for an immediate increase in judicial salaries will have to come from increases in docket fees. The fees proposed in the bill are modest, especially when compared to surrounding states and the federal courts. While the actual amounts going to various funds will not be affected, the bill does modify the percentages of the fee allocated to each fund. Such modification of the distribution system of current docket fees might signal a need to re-examine the various funds currently receiving a portion of docket fees, and restricting the fee distribution to court-related funds.

The Kansas Bar Association supports **SB 296** and would urge the Committee to report the bill favorably for passage.

\* \* \*

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3-21-05  
Attachment 15



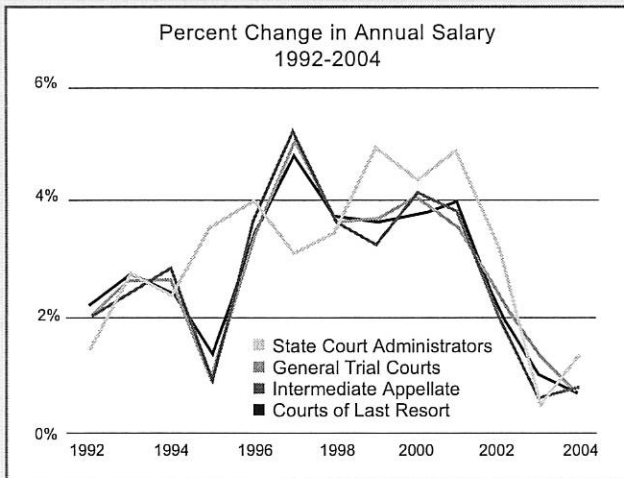
# Survey of JUDICIAL SALARIES

Volume 29 Number 1  
As of April 1, 2004



The National Center for State Courts (NCSC) regularly gathers information about the salaries of judges and state court administrators with the assistance of the state court administrative offices. The *Survey of Judicial Salaries* is the primary record and comparative analysis for state judicial salaries. This *Survey* reports salaries as of April 1, 2004.

In addition to incorporating the latest salary data, this issue of the *Survey* continues to feature several enhancements from the prior report. First, the percentage changes in annual judicial salaries are presented for the period 1992-2004. This historical information is shown for the four positions for which data have been reported most consistently—associate justices of courts of last resort (COLRs), associate judges of intermediate appellate courts (IACs), general jurisdiction (GJ) trial court judges, and state court administrators. Second, consumer price index (CPI) adjusted salary trends for these same positions are provided to show whether real salaries have kept pace with inflation. Third, additional analysis takes into account cost of living differences, allowing comparisons of salaries across all 50 states and select cities. The cost of living factors are applied to the salaries of trial court judges, allowing for a direct comparison of salaries after accounting for cost of living differences. Finally, a new feature of this issue of the *Survey* relates to judicial leave. A table is provided which examines leave policies for COLR, IAC, GJ and limited jurisdiction (LJ) judges. This information is provided in a comparative format for each state, where available.



## ANNUAL PERCENTAGE CHANGE IN REAL SALARIES

Annual salary growth rates are shown in the adjacent chart, covering the 50 states and the District of Columbia. The annual percentage change in real dollar salaries is shown for each of the four judicial positions. From 1992-2004, the change in each of the salary groups was about 3.0 percent annually. Coinciding with strained state budgets and a tepid economic recovery, the average percentage change in salary in 2004 for these four positions was essentially flat when compared to 2003. The average 2004 increase for each of the positions was about 1 percent, about the same as the 2003 increase. Salary increases for general jurisdiction trial courts, intermediate appellate courts, and courts of last resort tend to be similar over the 1992-2004 period. Annual increases for state court administrators tend to be slightly higher and less variable.

### Judicial Salaries at a Glance

Between April 1, 2003, and April 1, 2004, about 40 percent of the states reported salary changes for judges or justices while roughly 50 percent reported changes for state court administrators. The following table summarizes current salaries for the major judicial positions.

	Mean	Median	Range	Average Annual % Change 1997-2004
Chief, Highest Court	\$ 130,461	\$ 125,500	\$ 95,000 to 191,483	3.0%
Associate Justice, Court of Last Resort	126,159	122,500	95,000 to 175,575	3.0%
Judge, Intermediate Appellate Courts	122,682	117,850	94,212 to 164,604	2.9%
Judge, General Jurisdiction Trial Courts	113,504	110,330	88,164 to 158,100	3.1%
State Court Administrator	113,139	108,288	85,000 to 175,728	3.2%

Norbert Marek

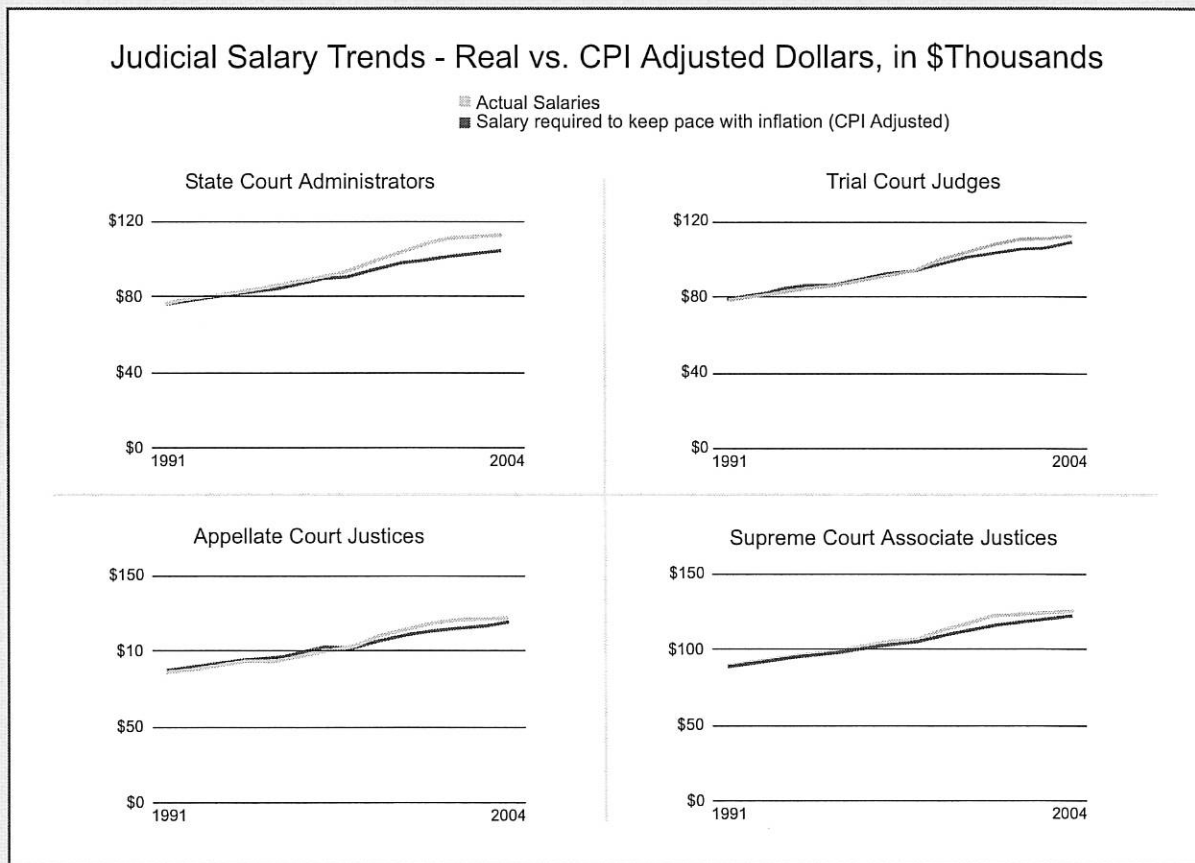
A nonprofit organization improving justice through leadership and service to courts.

Senate Ways and Means  
3-21-05  
www.ncsconline.org/D\_KIS/Salary\_Survey/  
Attachment 16

## I ADJUSTED SALARY TRENDS

To see if the real dollar salary growth illustrated by the previous trend lines has kept pace with inflation, a CPI adjusted salary analysis was performed. For this analysis, a comparison is made between the average real salary and the average salary adjusted over time (using 1991 as a base) according to changes in the Consumer Price Index (CPI-U). The CPI adjusted lines indicate the salary amounts that would have been required to keep salary increases equivalent to inflation increases.

The results show that from the early 1990s to the mid-1990s, salary increases matched increases in inflation. Beginning in the late 1990s, real salaries, on average, increased faster than the adjusted 1991 salaries. This is seen when separation occurs between the two trend lines on the chart. Thus, average salaries increased faster than the rate of inflation, affording greater buying power to judges and state court administrators through the early 2000s as compared to the base year of 1991 - at least on the national level. Beginning in 2003, the distance between the two lines for each judicial position begins to narrow—due, in large, to a slower growth rate in salary increases.



## COST OF LIVING ADJUSTED SALARIES

The cost of living varies across the United States, masking the true purchasing power of the dollar when comparing salaries across regions, states, or localities. Recognizing inherent variation in the U.S. dollar's purchasing power, the *Survey* includes salary information that accounts for differences in cost-of-living, allowing for a more direct comparison of "normalized" salaries.

The first table on the next page compares the average real dollar salaries (through April 1, 2004) to the cost-of-living-adjusted salaries for general jurisdiction trial court judges in all states and Washington, DC. The table is sorted alphabetically and ranks each state's real salary and ACCRA cost-of-living adjusted salary. The factor used to calculate the adjusted salary is provided in the last column. This "normalization" of trial court judge salaries showed some interesting results. New Jersey, for example, is ranked 4<sup>th</sup> in the real salary column and has an ACCRA factor of 1.40. The basic interpretation is that the average purchasing power of a salary in New Jersey (\$100,916) is lower than its real dollar salary (\$141,000). The change in the two salary measurements is significant, resulting in the large movement in New Jersey's salary rankings (4<sup>th</sup> to 35<sup>th</sup>). In contrast, Tennessee, ranked 22<sup>nd</sup> in the real salary column, ended up being ranked 9<sup>th</sup> after adjusting for a more modest cost of living.

The table detailing select cities compares the average real dollar salary (through April 1, 2004) to the cost of living adjusted salary for general jurisdiction trial court judges in 31 selected metropolitan areas across the United States. The cities were chosen to represent each major U.S. region and are marked on the map. Cost-of-living adjustments for individual cities versus a statewide average allow a more focused comparison of the purchasing power of salaries for those residing in specific cities.



# GENERAL JURISDICTION TRIAL COURT JUDGES STATE SALARIES, 2003

	Real Salaries	Real Salary Rank	Cost of Living Adjusted Salary	Adjusted Rank	ACCRA Factor
Alabama	\$ 111,973	25	\$ 121,048	12	0.93
Alaska	109,032	29	84,141	49	1.30
Arizona	120,750	15	120,070	14	1.01
Arkansas	118,128	19	131,993	5	0.89
California	143,838	3	110,334	26	1.30
Colorado	104,637	35	100,365	36	1.04
Connecticut	125,000	11	97,142	41	1.29
Delaware	140,200	5	135,350	3	1.04
District of Columbia	158,100	1	113,946	22	1.39
Florida	134,650	8	134,722	4	1.00
Georgia	121,938	14	131,810	6	0.93
Hawaii	106,922	32	68,419	50	1.56
Idaho	95,718	46	102,573	33	0.93
Illinois	145,704	2	144,591	1	1.01
Indiana	90,000	48	95,801	42	0.94
Iowa	112,010	24	118,223	16	0.95
Kansas	100,255	40	107,837	29	0.93
Kentucky	114,348	20	124,213	10	0.92
Louisiana	105,780	34	109,657	28	0.96
Maine	98,377	42	N/A	N/A	N/A
Maryland	119,600	16	105,929	32	1.13
Massachusetts	112,777	23	89,651	46	1.26
Michigan	139,919	6	141,271	2	0.99
Minnesota	118,141	18	114,774	20	1.03
Mississippi	104,170	38	113,447	24	0.92
Missouri	108,000	31	116,656	18	0.93
Montana	88,164	51	88,418	47	1.00
Nebraska	110,330	26	115,236	19	0.96
Nevada	130,000	9	126,478	7	1.03
New Hampshire	106,187	33	101,449	34	1.05
New Jersey	141,000	4	100,916	35	1.40
New Mexico	89,501	50	87,454	48	1.02
New York	136,700	7	113,702	23	1.20
North Carolina	104,523	36	107,557	30	0.97
North Dakota	90,671	47	98,329	39	0.92
Ohio	110,050	27	114,397	21	0.96
Oklahoma	95,898	44	106,706	31	0.90
Oregon	95,800	45	90,269	45	1.06
Pennsylvania	124,135	12	123,155	11	1.01
Rhode Island	119,579	17	91,859	43	1.30
South Carolina	113,535	21	118,817	15	0.96
South Dakota	95,910	43	100,175	37	0.96
Tennessee	112,836	22	125,842	9	0.90
Texas	109,158	28	120,506	13	0.91
Utah	103,700	39	110,281	27	0.94
Vermont	104,355	37	90,784	44	1.15
Virginia	125,795	10	126,158	8	1.00
Washington	121,972	13	117,315	17	1.04
West Virginia	90,000	48	97,474	40	0.92
Wisconsin	108,950	30	111,995	25	0.97
Wyoming	100,000	41	98,493	38	1.02

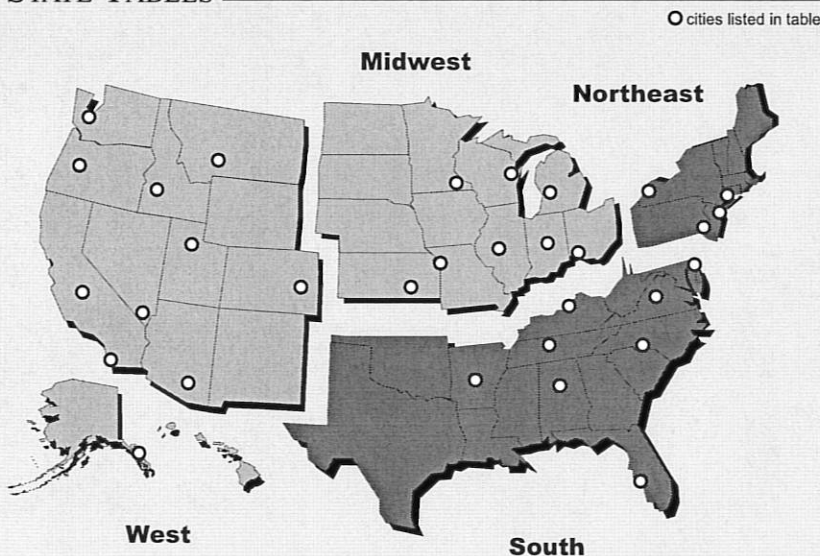
N/A - ACCRA factors were not available for these states. ACCRA factors have been rounded.

The ACCRA organization was formed 40 years ago and has nearly 400 reporting jurisdictions (e.g., chambers of commerce, local/state government agencies, etc.) making it the most widely accepted U.S. source for cost of living indices. The ACCRA cost of living factors used in this report were developed by examining average costs of goods and services purchased by a mid-management professional. The "basket" of goods and services used has six component indices - grocery items, housing, utilities, transportation, health care and miscellaneous goods and services. The factors used in this analysis reflect an average of the reporting jurisdictions in a particular state (i.e., the ACCRA factor for Virginia is the average of the ACCRA factors for each of the eight reporting jurisdictions in Virginia). It should be noted that cost of living differences can exist within large metropolitan areas and between suburbs and a central metropolitan area. Taxes are not factored into the ACCRA cost of living index. More detailed information can be found at [www.accra.org](http://www.accra.org).

## GENERAL JURISDICTION TRIAL COURT JUDGES FOR SELECTED CITIES, 2004

	Real Salaries	Cost of Living Adjusted Salary
Springfield, IL	\$145,704	\$ 154,230
San Diego, CA	143,838	103,336
Fresno, CA	143,838	125,680
Newark, NJ	141,000	105,169
Wilmington, DE	140,200	132,966
Grand Rapids, MI	139,919	142,731
Buffalo, NY	136,700	137,698
Tampa, FL	134,650	139,548
Las Vegas, NV	130,000	123,176
Charlottesville, VA	125,795	115,265
Stamford, CT	125,000	79,233
Philadelphia, PA	124,135	103,009
Olympia, WA	121,972	121,799
Tucson, AZ	120,750	126,518
Rochester, MN	118,141	120,053
Little Rock, AR	118,128	125,405
Louisville, KY	114,348	123,402
Nashville, TN	112,836	117,666
Birmingham, AL	111,973	115,153
Cincinnati, OH	110,050	115,991
Juneau, AK	109,032	82,820
Green Bay, WI	108,950	113,344
Kansas City, MO	108,000	112,027
Colorado Spgs, CO	104,637	106,203
Charlotte, NC	104,523	108,927
Salt Lake City, UT	103,700	102,242
Wichita, KS	100,255	106,240
Eugene, OR	95,800	88,217
Boise, ID	95,718	97,993
Indianapolis, IN	95,000	101,458
Bozeman, MT	88,164	83,727

### STATE TABLES



The following 7 pages show the salaries for each state and the 5 other jurisdictions that have reported current data as part of the Survey. Each state table shows an assigned region, the salary for each position, the date of the last reported salary change, and any special notations. The four geographical regions are those recognized by the U.S. Labor Department: Northeast, Midwest, South, and West. The map to the left shows the states within each region.

# NORTHEAST REGION

## Connecticut

as of 4-1-02

NE

### Appellate and General\*

Chief Justice	\$150
Associate Justice	\$138
State Court Admin.	\$144
Appellate Court	\$130, Chief \$137
Superior Court	\$125

\*Plus 3% semiannually after 25 or more years, 3/4 of 3% after 20-25 years, 1/2 of 3% after 15-20 years, 1/4 of 3% after 10-15 years.

### Limited and Special

Probate Court	\$94
Other	Family Support Magistrate \$104, Chief \$109

## Maine

as of 7-1-02

NE

### Appellate and General

Chief Justice	\$121
Associate Justice	\$105
State Court Admin.	\$92
Superior Court	\$98, Chief \$103

### Limited and Special

Probate Court	Set by legislature for each county \$98, Deputy Chief \$101, Chief \$103
District Court	

## Massachusetts

as of 7-1-00

NE

### Appellate and General

Chief Justice	\$132
Associate Justice	\$127
State Court Admin.	\$122
Appeals Court	\$117, Chief \$122
Superior Court	\$113, Chief \$117

### Limited and Special

Juvenile Court	\$113, Chief \$117
Probate Court	\$113, Chief \$117
Housing Court	\$113, Chief \$117
District Court	\$113, Chief \$117
Municipal Court	\$113 (Boston), Chief \$117
Land Court	\$113, Chief \$117

## New Hampshire

as of 12-27-02

NE

### Appellate and General

Chief Justice	\$117
Associate Justice	\$113
State Court Admin.	\$96
Superior Court	\$106, Chief \$113

### Limited and Special

Probate Court	\$106 (full time), \$24-38 (part)*
District Court	\$106 (full time), \$9-74 (part)*
Municipal Court	set locally

\* Based on caseload.

## New Jersey

as of 1-1-02

NE

### Appellate and General

Chief Justice	\$164
Associate Justice	\$159
State Court Admin.	\$150
Superior Court Appellate Division	\$150
Superior Court	\$141, Assignment Judge \$147

### Limited and Special

Surrogate Judge	Set locally
Municipal Court	Set locally
Tax Court	\$141

## New York

as of 1-1-99

NE

### Appellate and General

Chief Judge	\$156
Associate Judge	\$151
State Court Admin.	\$148
Appellate Division	\$144, Presiding \$148
Appellate Terms	\$140, Presiding \$143
Supreme Court	\$137
County Court	\$120-137 (outside NYC)

### Limited and Special

Court of Claims	\$137, Presiding \$144
Civil and Criminal Court, NYC	\$126
District Court	\$123, Presiding \$127 (Nassau & Suffolk)
Family Court	\$120-137 (NYC Admin. Judge \$142)
Surrogates' Court	\$120-137
Housing Court, NYC	\$115
Other City Courts	\$109-120

## Pennsylvania

as of 1-1-04

NE

### Appellate and General

Chief Justice	\$147
Associate Justice	\$143
State Court Admin.	\$140
Superior Court/ Commonwealth Court	\$138, Presiding \$141
Court of Common Pleas	\$124, Presiding \$124-127 (based on # of judges/population)

### Limited and Special

District Court	\$61 (excluding Philadelphia and Pittsburgh)
Municipal Court (Philadelphia)	\$121, Presiding \$123
Traffic Court (Philadelphia)	\$65, Presiding \$66

## Rhode Island

as of 6-30-02

NE

### Appellate and General

Chief Justice	\$146
Associate Justice	\$133
Special Master	\$112
State Court Admin.	\$107
Superior Court	\$120, Presiding \$132, Magistrate \$112

### Limited and Special

Family Court	\$120, Chief \$132, Magistrates \$112
Probate Court	Set locally
District Court	\$112, Chief \$132, Admin. Judge \$118, Magistrate \$112, Clerk \$87
Workers' Compensation Court	\$112, Chief \$123
Traffic Tribunal	\$95, Magistrate \$87

Note: Judge/Justice may also receive longevity pay.



**MIDWEST REGION****Vermont**

as of 7-13-03

NE

**Appellate and General**

Chief Justice	\$115
Associate Justice	\$110
State Court Admin.	\$104
Superior/District/Family Court	\$104, Admin. Judge \$110 (Asst. Judges \$120.64/day)

**Limited and Special**

Child Support Magistrate	\$79
Probate Court	\$25-78
Traffic/Municipal Hearing Officer	\$79
Environmental Court	\$104

**Illinois**

as of 7-1-03

MIDWEST

**Appellate and General**

Chief Justice	\$169
Associate Justice	\$169
State Court Admin.	\$159
Appellate Court	\$159
Circuit Court	\$146, \$136 Associate

**Limited and Special**

None

**Indiana**

as of 4-1-04

MIDWEST

**Appellate and General**

Chief Justice	\$115 + \$5.5 subsistence
Associate Justice	\$115 + \$3 subsistence
State Court Admin.	\$99
Court of Appeals	\$110 Associates + \$3 subsist. (\$5.5 Chief subsist.)
Circuit and Superior Court	\$90-95 (based on local supplement)

**Limited and Special**

Probate Court	\$90-95, based on local supplements
County Court	\$90-95, based on local supplements

All judges also receive a healthcare adjustment: \$1,092 retroactively for 2003 and \$884 for 2004.

**Iowa**

as of 12-5-03

MIDWEST

**Appellate and General**

Chief Justice	\$127
Associate Justice	\$123
State Court Admin.	\$121
Court of Appeals	\$118, Chief \$122
District Court	\$112, Chief \$117, Associate \$98, Part-time Magistrate \$29

**Limited and Special**

None

**Kansas**

as of 7-20-03

MIDWEST

**Appellate and General**

Chief Justice	\$118
Associate Justice	\$115
State Court Admin.	\$100
Court of Appeals	\$111, Chief \$114
District Court	Judge \$100, Admin. Judge \$101, Magistrate \$47

**Limited and Special**

Municipal Court	Not Available
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**Michigan**

as of 1-1-03

MIDWEST

**Appellate and General**

Chief Justice	\$165
Associate Justice	\$165
State Court Admin.	\$130
Court of Appeals	\$151
Circuit Court	\$140 (Equalized salary)
Court of Claims	\$140 (Equalized salary)

**Limited and Special**

Probate Court	\$140 (full time), \$66 (part)
District Court	\$138 (Equalized salary)
Municipal Court	no longer listed

**Minnesota**

as of 1-1-04

MIDWEST

**Appellate and General**

Chief Justice	\$147
Associate Justice	\$134
State Court Admin.	\$118*
Court of Appeals	\$126, Chief \$132
District Court	\$118, Chief \$124, Child Support Magistrate \$106, Referee \$106

\*Cannot exceed salary of District Ct. Judge

**Missouri**

as of 7-1-03

MIDWEST

**Appellate and General**

Chief Justice	\$126
Associate Justice	\$123
State Court Admin.	\$115*
Court of Appeals	\$115
Circuit Court	\$108, Associate \$96, Commissioner \$96

Family Court	\$96
Drug Court	\$96
Probate Court	\$108, Deputy \$96

**Limited and Special**

Municipal Court	Set locally
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\*Now tied to Appellate Salary.



**Nebraska**  
as of 1-1-04 MIDWEST

Appellate and General	
Chief Justice	\$119
Associate Justice	\$119
State Court Admin.	\$103
Court of Appeals	\$113*
District Court	\$110*
Limited and Special	
Juvenile Court	\$110*
County Court	\$107*
Workers' Compensation Court	\$110*

\*Salary set as % of Associate Justice

**North Dakota**  
as of 1-1-04 MIDWEST

Appellate and General	
Chief Justice	\$102
Associate Justice	\$99
State Court Admin.	\$89
District Court	\$91, Presiding Judge \$93
Limited and Special	
Municipal Court	Set locally

**Ohio**  
as of 1-1-04 MIDWEST

Appellate and General	
Chief Justice	\$137
Associate Justice	\$128
State Court Admin.	\$115
Court of Appeals	\$120
Court of Common Pleas	\$110*
Limited and Special	
Juvenile/Domestic Relations Court	\$110*
Probate Court	\$110*
County Court	\$60* (part)
Municipal Court	\$103* (full time)
	\$60* (part)

\*Equalized salary

**South Dakota**  
as of 7-1-03 MIDWEST

Appellate and General	
Chief Justice	\$105
Associate Justice	\$103
State Court Admin.	\$92
Circuit Court	\$96, Presiding Judge \$98, Law-Trained Magistrate \$70
Limited and Special	
None	

**Wisconsin**  
as of 7-22-02 MIDWEST

Appellate and General	
Chief Justice	\$130
Associate Justice	\$122
State Court Admin.	\$115*
Court of Appeals	\$115
Circuit Court	\$109
Limited and Special	
Municipal Court	Set locally

\*Tied to salary of Court of Appeals.

**SOUTH REGION**

**Alabama**  
as of 10-1-03 SOUTH

Appellate and General	
Chief Justice	\$153
Associate Justice	\$152-190
State Court Admin.	\$105
Court of Appeals, Civil & Criminal	\$151-189, Presiding Judge \$152-189
State Circuit Court	\$112-140
Limited and Special	
Probate Court	Set locally
District Court	\$111-139
Municipal Court	Set locally

**Arkansas**  
as of 7-1-03 SOUTH

Appellate and General	
Chief Justice	\$136
Associate Justice	\$126
State Court Admin.	\$93
Court of Appeals	\$122, Chief \$124
Circuit Court	\$118
Limited and Special	
District Court	\$3-125
City Court	Local

**Delaware**  
as of 7-1-02 SOUTH

Appellate and General	
Chief Justice	\$153
Associate Justice	\$147
State Court Admin. Superior Court	\$108 Associate \$140, Presiding \$145 Commissioner \$86
Limited and Special	
Family Court	Associate \$140, Presiding \$145 Commissioner \$86
Chancellor Court	Chancellor \$145, Vice \$140
Justice of Peace Court	\$58-62, Chief Magistrate \$101
Ct. Com. Pleas.	Associate \$137, Chief \$144 Commissioner \$86

## District of Columbia

as of 1-11-04 SOUTH

### Appellate and General

Chief Judge	\$168.1
Associate Judge	\$167.6
Executive Officer	\$158*
Superior Court	\$158, Chief \$159
	Magistrate Judge \$130

### Limited and Special

None

\*Tied to salary of Superior Court.

## Florida

as of 12-1-03 SOUTH

### Appellate and General

Chief Justice	\$155
Associate Justice	\$155
State Court Admin.	\$126
District Courts of Appeal	\$143
Circuit Court	\$135

### Limited and Special

County Court	\$121
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## Georgia

as of 10-1-02 SOUTH

### Appellate and General

Chief Justice	\$153
Associate Justice	\$153
State Court Admin.	\$117
Court of Appeals	\$152
Superior Court	\$110-143 (mid is \$122)

### Limited and Special

Juvenile Court	\$60-130 (full time), \$3-67 (part)
Probate Court	\$25-129
Magistrate Court	(full time) \$14-104, Chief \$21-113
	(part time) \$1.49-40, Chief \$13-43
State Court	\$35-136 (full time), \$10-52 (part)
Municipal Court	\$120 (up to), Chief up to \$123

## Kentucky

as of 7-1-03 SOUTH

### Appellate and General

Chief Justice	\$129
Associate Justice	\$124
State Court Admin.	\$114
Court of Appeals	\$119, Chief \$122
Circuit Court	\$114, Chief \$115

### Limited and Special

District Court	\$103, Chief \$104
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## Louisiana

as of 7-1-03 SOUTH

### Appellate and General\*

Chief Justice	\$124
Associate Justice	\$118
State Court Admin.	\$112
Courts of Appeal	\$112, Chief \$118
District Court	\$106

\*Includes annual supplements

### Limited and Special

Juvenile Court	\$106
Municipal/Traffic Court	\$34, New Orleans (based on local supplements)
City Court	\$34, (based on local supplements)
Parish Court	\$62

## Maryland

as of 1-1-02 SOUTH

### Appellate and General

Chief Justice	\$151
Associate Justice	\$132
State Court Admin.	\$119
Court of Special Appeals	\$124, Chief \$127
Circuit Court	\$120

### Limited and Special

Orphan's Court	Set by county between \$1.7-65
District Court	\$112, Chief \$124

## Mississippi

as of 1-1-04 SOUTH

### Appellate and General

Chief Justice	\$115, Presiding \$113
Associate Justice	\$113
State Court Admin.	\$85
Court of Appeals	\$105, Chief \$108
Circuit/Chancery Court	\$104

### Limited and Special

Justice of Peace Court	Set by legislature & population adjusted
County Court	\$103 (population adjusted)
Municipal Court	Set locally

## North Carolina

as of 7-1-00 SOUTH

### Appellate and General

Chief Justice	\$118
Associate Justice	\$115
State Court Admin.	\$108
Court of Appeals	\$111, Chief \$112
Superior Court	\$105, Senior Judge \$108

### Limited and Special

District Court	\$92, Chief \$95
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Note: Judges/Justices may receive additional longevity pay.

## Oklahoma

as of 1-1-01

SOUTH

### Appellate and General

Chief Justice/ Presiding Judge	\$110
Associate Justice	\$107
State Court Admin.	\$102
Court of Appeals	\$102, Presiding Judge \$103
District Court	\$96, Associate \$88 (pop over 30,000) or \$86 (pop up to 30,000), Special judge lawyer/nonlawyer \$80

### Limited and Special

Municipal Court	Set locally
Workers' Compensation Court	\$89

Note: District Judges serve on Courts of Tax & Bank Review.

## South Carolina

as of 6-2-01

SOUTH

### Appellate and General

Chief Justice	\$125*
Associate Justice	\$120
State Court Admin.	\$99
Court of Appeals	\$117,* Chief \$118*
Circuit Court	\$114*

### Limited and Special

Family Court	\$111*
Probate Court	Set locally
Municipal Court	Set locally
Magistrate Court	Set locally

\*Set as % of Associate Justices.

## Tennessee

as of 7-1-03

SOUTH

### Appellate and General

Chief Justice	\$124
Associate Justice	\$124
State Court Admin.	\$118
Court of Appeals/Court of Criminal Appeals	\$118
Circuit/Chancery/Probate/Criminal	\$113

### Limited and Special

Juvenile Court	Set locally
County Court (Probate)	Set locally
General Sessions Court	Set locally
Municipal Court	Set locally

## Texas

as of 2-1-04

SOUTH

### Appellate and General

Chief Justice/ Presiding Judge	\$115
Associate Justice	\$113
State Court Admin.	\$98
Courts of Appeals	\$107-112 (based on local supplements)
District Court	\$102-111, Masters \$76-90, Associate \$80-83 (based on local supplements*)

### Limited and Special

Probate Court	Set locally
Justice of Peace Court	Set locally
County Court	Set locally
Municipal Court	Set locally

\*Supplements changed, caps removed in some counties.

## Virginia

as of 11-25-03

SOUTH

### Appellate and General

Chief Justice	\$144*
Associate Justice	\$136*
State Court Admin.	\$128
Court of Appeals	\$129,* Chief \$130*
Circuit Court	\$126

### Limited and Special

Juvenile/Domestic Relations Court	\$113
General District Court	\$113

\*Plus 6,500 in lieu of travel, lodging and other expenses.

## West Virginia

as of 7-1-03

SOUTH

### Appellate and General

Chief Justice	\$95
Associate Justice	\$95
State Court Admin.	\$88
Circuit Court	\$90, Family Court Judge \$63, Commissioner \$65/hr.

### Limited and Special

Magistrate Court	\$33-40 (depending on population)
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## WEST REGION

### Alaska

as of 7-1-02

WEST

### Appellate and General

Chief Justice	\$118
Associate Justice	\$118
State Court Admin.	\$116*
Court of Appeals	\$111
Superior Court	\$109-116 (varies by location and cost of living)

### Limited and Special

District Court	\$92-99
Magistrate Court	\$18-101 (varies by caseload and law training)

\*2,000 less than Supreme Ct. Justice.

### Arizona

as of 6-30-03

WEST

### Appellate and General

Chief Justice	\$129
Associate Justice	\$127
State Court Admin.	\$101-163
Court of Appeals	\$124
Superior Court	\$121, Commissioner \$109

### Limited and Special

Justice of Peace Court	\$30-85 based on formula using filings
Police Court	\$29-163 (full time) \$8-72 (part)



**California**

as of 7-1-03

WEST

## Appellate and General

Chief Justice	\$191*
Associate Justice	\$176
State Court Admin.	\$168-185
Courts of Appeal	\$165, Presiding \$171*
Superior Court	\$144, Presiding (15+ judges) \$150* Presiding (1-14 judges) \$147**

## Limited and Special

None

\*Includes an additional 4% over others on court.

\*\*Includes an additional 2% over others on court.

**Colorado**

as of 7-1-03

WEST

## Appellate and General

Chief Justice	\$116
Associate Justice	\$114
State Court Admin.	\$112*
Court of Appeals	\$109, Chief \$112
District Court	\$105

## Limited and Special

Juvenile Court	\$105 (Denver only)
Probate Court	\$105 (Denver only)
County Court	\$124 (Denver only) Class B \$100
Municipal Court	Set locally
Water Court	\$105

\*Tied to salary of Court of Appeals.

**Hawaii**

as of 7-1-00

WEST

## Appellate and General

Chief Justice	\$117
Associate Justice	\$116
State Court Admin.	\$90
Intermediate Court of Appeals	\$111, Chief \$112
Circuit Court	\$107

## Limited and Special

District Court	\$101
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**Idaho**

as of 7-1-02

WEST

## Appellate and General

Chief Justice	\$104
Associate Justice	\$102
State Court Admin.	\$97
Court of Appeals	\$101
District Court	\$96, Administrative \$97 Magistrates \$91

## Limited and Special

None

**Montana**

as of 7-1-03

WEST

## Appellate and General

Chief Justice	\$97
Associate Justice	\$96
State Court Admin.	\$87
District Court	\$88
Water Court	\$88
Workers Comp. Court	\$88

## Limited and Special

Justice of Peace Court	Set locally
City Court	Set locally
Municipal Court	Set locally

**Nevada**

as of 1-6-03

WEST

## Appellate and General

Chief Justice	\$140-171 (may include longevity pay)
Associate Justice	\$140-171 (may include longevity pay)
State Court Admin.	\$100
District Court	\$100-159 (may include longevity pay and dependent on election cycle)

## Limited and Special

Justice Court	\$42-154 (includes supplements)
Municipal Court	\$106-134 (includes supplements)

Salaries include longevity pay in addition to base pay; 8% semiannually after 4 years of service. Each year after an additional 2% up to a maximum of 22% after 11 years of service.

**New Mexico**

as of 1-3-04

WEST

## Appellate and General

Chief Justice	\$101
Associate Justice	\$99
State Court Admin.	\$96
Court of Appeals	\$94, Chief \$96
District Court	\$90

## Limited and Special

Probate Court	Set locally
Metropolitan Court	\$81 (Bernalillo)
Magistrate Court	\$80

**Oregon**

as of 7-1-02

WEST

## Appellate and General

Chief Justice	\$108
Associate Justice	\$105
State Court Admin.	\$87-117
Court of Appeals	\$103, Chief \$105
Tax Court	\$99
Circuit Court	\$96

## Limited and Special

Justice of Peace Court	Set locally
Municipal Court	Set locally
City Court	Set locally

## Utah

as of 7-1-01

WEST

### Appellate and General

Chief Justice	\$116
Associate Justice	\$114
State Court Admin.	\$104
Court of Appeals	\$109, Chief \$110
District Court	\$104, Presiding Judge \$105

### Limited and Special

Juvenile Court	\$104, Presiding Judge \$105
Justice of Peace Court	States \$88 Set locally with recommend. by State Court Admin.

## Washington

as of 9-1-02

WEST

### Appellate and General

Chief Justice	\$135
Associate Justice	\$135
State Court Admin.	\$116*
Court of Appeals	\$128
Superior Court	\$122, Pro tem judge (if retired judge) \$292.72/day, Pro tem judge (if attorney) \$487.88/day

### Limited and Special

District Court	\$116
Municipal Court	Set locally

\*95% of Superior Ct. Judge salary.

## Wyoming

as of 1-6-03

WEST

### Appellate and General

Chief Justice	\$105
Associate Justice	\$105
State Court Admin.	\$87
District Court	\$100

### Limited and Special

Magistrates	\$18-32
Circuit Court	\$82
Municipal Court	Set locally

## OTHER REGION

### Federal System

as of 1-1-04

OTHER

### Appellate and General

Chief Justice	\$201
Associate Justice	\$193
Administrative Director	\$157*
Court of Appeals	\$166
District Court	\$157

### Limited and Special

Claims Court	\$157
Courts of International Trade	\$157
U.S. Magistrate Court	\$144** (full time)
U.S. Bankruptcy Court	\$144**

\*Tied to salary of District Court.

\*\*92% of U.S. District Ct. judge's salary.

## Guam

as of 1-26-04

OTHER

### Appellate and General

Chief Justice	\$128-161
Associate Justice	\$126-154
Admin. Director	\$90
General Trial Court	\$100, Presiding Judge \$125-128

### Limited and Special

None

## Northern Mariana Islands

as of 2-26-93

OTHER

### Appellate and General

Chief Justice	\$130
Associate Justice	\$126
State Court Admin.	\$70
Superior Court	\$120, Presiding Judge \$123

### Limited and Special

None

## Puerto Rico

as of 7-1-02

OTHER

### Appellate and General

Chief Justice	\$125
Associate Justice	\$120
State Court Admin.	\$96
Circuit Court of Appeals	\$90
Superior Court	\$80

### Limited and Special

Municipal Court	\$65
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## Virgin Islands

as of 10-1-01

OTHER

### Appellate and General

Territorial Court	\$135, Presiding Judge \$145
Administrator	\$85

### Limited and Special

None



In order to attract and retain qualified individuals for the bench, adequate judicial compensation should include not only a fair and competitive salary, but also a fringe benefits package that promotes favorable working conditions and provides economic security. These packages can include paid holidays, annual vacations, and various types of leave for sickness, family obligations, professional education, etc. Such benefits are customarily available in non-judicial legal positions and are consequently required if judicial compensation is to be competitive and attract those who are most qualified for judicial office.

Establishing judicial leave policies serve two principal objectives. One is to assure that a judge has sufficient time away from the bench to maintain good health and effectiveness; to provide an opportunity for judicial education; and to permit time for rejuvenation and renewal to reduce the chances for judicial burn out. The second purpose is to dispel public fears that judges are not accountable for the time they are away from the bench, while simultaneously emphasizing that some such time is in the best interests of a properly functioning judiciary.

In 1988, the ABA's National Conference of Special Court Judges found that many jurisdictions had no leave policies at all or a variety of leave policies among the various geographical areas and levels of court within a state. They noted that, in the absence of statewide policy or guidelines, leave is sometimes determined by the individual judge or at the discretion of a presiding judge or other administrative officer. To assist states in determining sound leave policies, the National Conference of Special Court Judges issued "Recommended Criteria for Evaluating Judicial Leave Policies," that were approved in 1989. The following minimum standards for leave were included:

- ◆ Holidays—no less than 10 per year
- ◆ Vacation Leave—no less than 21 and no more than 30 working days
- ◆ Sick and Disability Leave—generally, as needed, but no less than 12 days per year where judges are granted a specific number of days
- ◆ Parental Leave—should include maternity, paternity, and family medical provisions
- ◆ Educational Leave—should include initial orientation and training for new judges, more extensive and intensive overall orientation and training in substantive areas within two years thereafter, and continuing legal education to stay abreast of changing legal and social conditions
- ◆ Professional Leave—subject to approval of a chief or presiding judge, to encourage participation in professional meetings, official commissions and committees, etc.

During the spring of 2004, the NCSC conducted a survey of all 50 states (including the District of Columbia, Guam, and the Virgin Islands) to determine which had formal judicial leave provisions, and if they did, what were the allowances for holidays, vacation, sick leave, family leave, education/training, and bereavement. In general, the survey revealed that fewer than half of the states (20) have formal leave provisions, and in many states, leave is left to the discretion of the local presiding judges.

The number of vacation days earned in each state is generally between 20 and 30, depending upon years of judicial service. States reported various other types of leave—including personal, military, community outreach and jury duty. The table on the next two pages highlights some results of the survey and allows for a comparison of policies across the states and territories.

JUDICIAL LEAVE

◆ = Discretionary; SC=Court of Last Resort; IA=Intermediate Appellate Court; GJ=General Jurisdiction Court; LJ=Limited Jurisdiction Court  
 States with formal leave provisions are in color. Blanks may indicate none, no response, or unknown. Shaded cells indicate no court at that level.

State/ Territory	Annual Holidays				Annual Vacation Days (ranges based on years of service)				Annual Sick Days				Family Leave Weeks			
	SC	IA	GJ	LJ	SC	IA	GJ	LJ	SC	IA	GJ	LJ	SC	IA	GJ	LJ
Alaska	11	11	11	11	30	30	30	24-36	◆	◆	◆	◆				Up to 18 weeks
Arizona	10	10	10	10												
California	13	13	13				24-30									
Colorado							◆	◆								
Connecticut	12	12	12	12	20	20	20	20			Unlimited			With permission of the Chief Court Admin.		
Delaware			13, See notes	13, See notes			21, See notes	21, See notes				15, See notes	15, See notes			
Florida	10	10	10	10	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Hawaii	13	13	13	13	21	21	21	21	21	21	21	21		See Notes		
Idaho	10	10	10			22.5-30	22.5-30		12	12	12					
Illinois	◆	◆	◆		◆	◆	◆		◆	◆	◆		◆	◆	◆	
Iowa					20-25	20-25	20-25		◆	◆	◆		◆	◆	◆	
Maine	12		12	12	25		25	25	◆		◆	◆	◆		◆	◆
Maryland	11	11	11	11	27/20 may carry to next year				Unlimited for a judge's own illness				◆ Once annual and personal leave has been exhausted			
Massachusetts	13	13	13	13			30	30			20	20				
Michigan	12	12	12	12	20/Plus up to 10 more with approval of chief judge				Tracked, but no limits; must have doctor's excuse when sick leave >5.							
Minnesota	10	10	10		30	30	30		Unlimited; if >10, physician's statement is required				Up to 26 weeks unpaid.			
Mississippi	12	12	12	12	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
New Hampshire	12		12	12	25		25	25	◆		◆	◆	◆		◆	◆
New Jersey	13	13	13	13	25	25	25	25	Unlimited							
New Mexico	11	11	11	11												
New York	12	12	12	12			20	20	As needed up to 6 months; after that, medical exam required				◆	◆	◆	◆
Ohio		See Notes			◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Oregon	9	9	9	9	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Rhode Island	10		10	10	◆		◆	◆	◆		◆	◆	◆		◆	◆
South Carolina	12	12	12	12	20	20	20	20	◆	◆	◆	◆	◆	◆	◆	◆
South Dakota	10		10				15-20; accrue 30-40, See notes				15-unlimited accrual, See notes					
Tennessee	11	11	11	11												
Utah	11	11	11	11												
Vermont	12		12	12			20	20			◆	◆			◆	◆
Virginia	12	12	12	12				20-30				15				FMLA
Wisconsin	9	9	9		25	25	25		16-25	16-25	16-25					
District of Columbia	10		10		30 judges 26 magis.		30 judges 26 magis.		◆		13 magis.					
Guam	8				19.5				13				12 weeks			
Virgin Islands			18				13-26				13				12 weeks	

Annual Education/Training Days				Annual Bereavement Days				Other Days				Notes
SC	IA	GJ	LJ	SC	IA	GJ	LJ	SC	IA	GJ	LJ	
5 or as assigned by Chief Justice				10 considered sick leave				10 (personal leave)				Sick: Unlimited as needed. Includes maternity leave (9weeks), paternity leave only if disability of mother or child requires father's presence. LJ judges have the same leave system as other court employees, which allows a set amount of "personal leave" per year and does not distinguish between sick leave and vacation leave.
		◆								2 personal		Vacation GJ: Additional days up to number not taken previous year.
		◆	◆									Limited jurisdiction data apply to magistrates, not to Probate judges.
		With permission of the Chief Court Admin.				With permission of the Chief Court Admin.						Applies to commissioners in Superior, Family, and Common Pleas Courts and for chief magistrate and justices of the peace. No formal leave policies apply to judges (including chancellors) - leave is determined by chief judge of each court.
						5, See notes	5, See notes					
◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
No set number of days				3	3	3	3	Military Leave: 15; Personal Leave: Up to 1 yr w/o pay for illness or personal emergencies, etc.				Unpaid Family Leave: 4 weeks state and 12 weeks federal. Accrued vacation, sick leave, and comp time may be substituted. One extra holiday given in election years.
◆	◆	◆		◆	◆	◆		◆	◆	◆		
◆	◆	◆		◆	◆	◆						
◆		◆	◆	◆		◆	◆	◆		◆	◆	Limited jurisdiction information does not apply to probate judges.
◆	◆	◆	◆	For death of certain family members				Personal: 6; Outreach: 3; Legal Action, Interview Leave: ◆; Military: 15.				Limited jurisdiction information does not apply to Orphans' Court judges (where leave is set by localities). Jury Duty counted as Administrative Leave. One extra holiday given in election years.
		15	15							5	5	
10 days every 3 years, with approval of chief judge/justice.								Professional leave with approval.				Limited jurisdiction information does not apply to Municipal Court judges.
5	5	5								2 outreach		Vacation: magistrates and referees: 3.9 to 5.85 weeks. Education: judges are also allowed 6 days for conferences, 4 for new judge orientation, and 4 per term (every 6 years) for judicial college. Other: 2 per judge per district for community outreach.
◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
◆		◆	◆	◆		◆	◆	◆		◆	◆	
◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	Limited or special jurisdiction data do not apply to Municipal or Surrogate Courts.
								◆	◆	◆		Judges may take leave at their own discretion. Other: Administrative Leave
At least 3 days/2 yrs. Teaching substitutes for attendance.				4	4	4	4					Responses do not apply to the judges of the locally-funded Town and Village Courts.
◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	All judges receive "standard" holidays.
◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	Judges are elected officials who take leave at their own discretion in consultation with the presiding judge
◆		◆	◆	◆		◆	◆	◆		◆	◆	
◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	All leave is at discretion of the chief justice. Limited jurisdiction data do not apply to Probate, Municipal, Magistrate Court.
												Annual and Sick Leave apply only to Law Trained Magistrates who are state employees (not constitutional officers). As such, they earn and accrue leave in the same manner as other benefited state employees.
												The Municipal Courts are not bound by the state's holiday practices, so the practices in those courts may vary greatly.
		◆	◆			◆	◆					
			11									Aside from holidays, there is no formal leave policy for judges above the limited jurisdiction level.
				2								
		◆				◆						



The states listed here have no formal leave provisions and provided no information on holidays. Some clarifying comments from the survey responses are provided.

Alabama	No formal leave provisions.
Georgia	Leave practices vary by locality.
Indiana	Leave is taken at the discretion of individual judges. There are no chief or presiding judges who might regulate practices.
Kansas	No formal leave provisions.
Kentucky	Judges do not accumulate leave of any type. They take days at their own discretion.
Louisiana	No formal leave provisions.
Missouri	No formal leave provisions.
Montana	No formal leave provisions.
Nebraska	No formal leave provisions.
Nevada	No formal system for leave by judges at the SC and District Court levels. Leave at the Municipal and Justice Court levels is discretionary. Many limited jurisdiction courts are part-time.
North Carolina	Each employee decides on the amount of time he/she needs to be away from the office.
North Dakota	Judges are elected officials. There are no set leave amounts.
Oklahoma	No survey response.
Pennsylvania	Judicial officials are paid their statutory salaries regardless of their leave status.
Washington	For SC, IA, GJ, as elected officials, they do not accrue leave. So long as their assigned duties are accomplished, the state does not keep track of leave. Generally, judges will not work on the 10 holidays observed by non-judicial court employees. The state budgets 30 days per judge for pro tem compensation (to cover work when judges are not in court). In limited jurisdiction courts, practices may vary by locality.
West Virginia	Judges/elected officials do not earn specified amounts of vacation or sick leave.
Wyoming	No formal leave provisions.

#### TECHNICAL NOTES ON JUDICIAL LEAVE ANALYSIS

A total of 52 Judicial Leave surveys were returned to the NCSC for analysis (49 states, DC, Guam, and VI). Oklahoma did not respond. To be counted as having formal leave provisions, a state had to indicate formal provisions applicable statewide to the judges of at least one court level. Provisions could be formal without being codified. It should be emphasized that blank cells on the previous two-page table represent "none", "no response", or "unknown" and that shaded cells indicate that no court exists at that level.

The table below lists the salaries for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general jurisdiction trial courts as of April 1, 2004. Where possible, the salary figures are actual salaries. In jurisdictions where some judges receive supplements, the figures are the most representative available -- either the base salary, the midpoint of a range between the lowest and highest supplemented salaries, or the median. Salaries are ranked from highest to lowest, with the highest salary for each position having a rank of "1." The lowest salary has a rank of "51" except for intermediate appellate courts, which exist in only 39 states. The mean, median, and salary range for each of the positions are also shown.

Salary data for the federal government and several U.S. territories are also included. Salaries at the limited jurisdiction level are not ranked because the large number and diverse workload of these courts makes them less comparable. Furthermore, many of these salaries vary considerably within given states because they are set locally.

## Salaries for Appellate and General Jurisdiction Judges

	Highest Court	Rank	Intermediate Appellate Court	Rank	General Trial Court	Rank
Alabama	\$ 152,027	8	\$ 151,027	5	\$ 111,973	25
Alaska	117,900	31	111,384	27	109,032	29
Arizona	126,525	21	123,900	14	120,750	15
Arkansas	126,054	22	122,093	16	118,128	19
California	175,575	1	164,604	1	143,838	3
Colorado	113,637	37	109,137	32	104,637	35
Connecticut	138,404	13	129,988	10	125,000	11
Delaware	147,000	10			140,200	5
District of Columbia	167,600	3			158,100	1
Florida	155,150	6	143,363	8	134,650	8
Georgia	153,086	7	152,139	3	121,938	14
Hawaii	115,547	32	110,618	29	106,922	32
Idaho	102,125	47	101,125	38	95,718	46
Illinois	168,706	2	158,783	2	145,704	2
Indiana	115,000	34	110,000	31	90,000	48
Iowa	122,500	26	117,850	20	112,010	24
Kansas	114,769	35	110,794	28	100,255	40
Kentucky	124,415	23	119,380	18	114,348	20
Louisiana	118,301	30	112,041	26	105,780	34
Maine	104,929	45			98,377	42
Maryland	131,600	18	123,800	15	119,600	16
Massachusetts	126,943	20	117,467	21	112,777	23
Michigan	164,610	4	151,441	4	139,919	6
Minnesota	133,564	16	125,852	13	118,141	18
Mississippi	112,530	40	105,050	35	104,170	38
Missouri	123,000	25	115,000	24	108,000	31
Montana	95,493	50			88,164	51
Nebraska	119,276	29	113,312	25	110,330	26
Nevada	140,000	12			130,000	9
New Hampshire	113,266	38			106,187	33
New Jersey	158,500	5	150,000	6	141,000	4
New Mexico	99,170	48	94,212	39	89,501	50
New York	151,200	9	144,000	7	136,700	7
North Carolina	115,336	33	110,530	30	104,523	36
North Dakota	99,122	49			90,671	47
Ohio	128,400	19	119,700	17	110,050	27
Oklahoma	106,716	42	101,714	37	95,898	44
Oregon	105,200	43	102,800	36	95,800	45
Pennsylvania	142,936	11	138,459	9	124,135	12
Rhode Island	132,816	17			119,579	17
South Carolina	119,510	28	116,521	22	113,535	21
South Dakota	102,684	46			95,910	43
Tennessee	123,684	24	117,924	19	112,836	22
Texas	113,000	39	107,350	34	109,158	28
Utah	114,050	36	108,900	33	103,700	39
Vermont	109,771	41			104,355	37
Virginia	135,505	14	128,730	11	125,795	10
Washington	134,584	15	128,116	12	121,972	13
West Virginia	95,000	51			90,000	48
Wisconsin	122,418	27	115,490	23	108,950	30
Wyoming	105,000	44			100,000	41
Mean	126,159		122,682		113,504	
Median	122,500		117,850		110,330	
Range	95,000 to 175,575		94,212 to 164,604		88,164 to 158,100	
Federal System	193,000		165,500		157,000	
Guam	128,000				100,000	
Northern Mariana Is.	126,000				120,000	
Puerto Rico	120,000		90,000		80,000	
Virgin Islands					135,000	



## NATIONAL CENTER FOR STATE COURTS

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local levels throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards for fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

Funding for this *Survey* is made possible by assessments from all 50 states, the District of Columbia, and the territories and by individual contributions. Points of view expressed herein are those of the authors and do not necessarily represent the official position or policies of the National Center for State Courts. If you have questions or comments regarding this *Survey*, contact the National Center for State Courts, Knowledge and Information Services, 300 Newport Avenue, Williamsburg, VA 23185, (800) 616-6164, fax (757) 564-2075.

This *Survey* was prepared by the Knowledge and Information Services Office of the National Center for State Courts, with assistance from VisualResearch, Inc.

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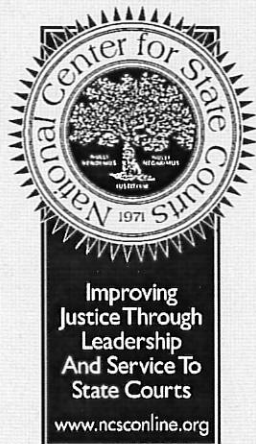
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KANSAS CREDIT ATTORNEYS ASSOCIATION AND  
KANSAS COLLECTORS ASSOCIATION, INC.

REMARKS CONCERNING SENATE BILL NO. 296

SENATE WAYS & MEANS COMMITTEE

MARCH 21, 2005

*Chairman Umbarger and Members of the Senate Ways & Means Committee:*

Thank you for the opportunity to present remarks regarding Senate Bill No. 296 on behalf of the Kansas Credit Attorneys Association and Kansas Collectors Association, Inc. The Kansas Credit Attorneys Association is a statewide organization of attorneys, representing approximately 60 law firms, whose practice includes considerable collection work, and Kansas Collectors Association, Inc., which is an association of collection agencies throughout Kansas. Our members represent the interests of retail merchants of all sizes and other small businesses in collection and legal matters resulting from the unpaid or past due payment for goods or services.

The KCAA and KCA appear today as neutral parties to the basic ideas of increased salaries for our judges through Senate Bill No. 296, but we are concerned about the method.

Higher salaries would provide a broader pool of applicants, permitting the selection of wide-ranging and better-qualified candidates for judicial positions. However, we believe that the judicial branch needs a permanent and lasting solution to their funding needs, not a string of band-aids getting them from one year to the next. Incremental docket fee increases represent a shift away from the State's funding obligations for the judicial branch and imposes an additional and lasting financial burden on those who seek enforcement of their rights by the court.

In large part, the expenses of the courts are personnel costs (95+% salary) and all attempts at trimming costs reduce services. Many courts throughout the state have limited hours of operation and are limiting the numbers of post-judgment pleadings and hearings. While reducing expenses is an admirable goal, Kansans should not be asked to surrender justice.

In 2002, while the rest of the state dealt with a budget deficit of \$500+ million, the judicial branch adopted the emergency surcharge - an across-the-board increase in fees by \$5 - to make up for a \$3 million budget shortfall for the judicial branch budget. This surcharge was depicted as an urgent and temporary measure necessary to avoid a

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financial crisis in our courts while not increasing taxes. It was and is styled as a "user-fee" on individuals who seek court assistance. This "user-fee" has not, however, increased the value of or improved access to the courts for those paying the fee. In fact, those paying the surcharge are finding it increasingly difficult to access the courts.

In every year since 2002, the court has extended this "emergency" surcharge. Although the surcharge has been successful in raising money for the court's ongoing operations, the emergency is now and has always been a matter of continual lack of sufficient funding.

We believe it to be bad public policy to entirely fund the court system with "user fees". If users fees had to cover the cost, the dockets fees would be so high that no one could access the court. The State has an obligation for provide reliable and sufficient operating expense for the courts.

Instead of passing this measure right now, we should look at reallocating the way in which the current docket fees are presently divided under KSA 20-367. If 100% of the docket fees were allocated to and retained by the court system, instead of some funds going to a variety of extraneous programs, our courts might fair better financially. Maybe we should put those other docket fee disbursements under the appropriations process where they belong? If they are still reasonable and justified the Legislature shouldn't have a problem funding them. We believe it to be a shift in program funding methods, not a new burden on the State General Fund.

We request that you consider an interim study to thoroughly review the docket fees and charges.

Thank you for your time and consideration this morning.

Douglas E. Smith  
Kansas Credit Attorneys Association  
and Kansas Collectors Association, Inc

# Kansas Public Employees Retirement System

## Legislative Data Sheet

### 2005 House Bill 2037

Sponsored by the Joint Committee on Pensions, Investments and Benefits.

#### Effects of Bill

Currently, an employee who becomes disabled may receive KPERS disability benefits for set time periods based on his or her age at disability as follows:

- Disabilities occurring before age 60: To the earlier of age 65 or retirement.
- Disabilities occurring at or after age 60, but before age 70: To the earliest of age 70, a period of 5 years, or retirement.
- Disabilities occurring at or after age 70, but before age 75: To the earlier of 12 months or retirement.
- Disabilities occurring at or after age 75: To the earlier of 6 months or retirement.

HB 2037 amends K.S.A. 74-4927(A) to eliminate the age 70 cutoff for receiving benefits for those individuals who become disabled between the ages of 60 and 70 and to eliminate the duration limitations for employees who become disabled at or after age 70. With the proposed change, the maximum duration of benefit payments would be as follows:

- Disabilities occurring before age 60: To the earlier of age 65 or retirement.
- Disabilities occurring at or after age 60: To the earlier of 5 years or retirement.

This change affects employees who become disabled after age 65 and is intended to ensure compliance with the federal Age Discrimination and Employment Act (ADEA).

#### Fiscal Impact

The estimated total cost of HB 2037 for the KPERS Death and Disability Fund over the next three fiscal years is summarized in the following table. Although HB 2037 may increase costs for those employees who become disabled at older ages, such disability claims have historically represented a small portion of the KPERS long-term disability claims.

Fiscal Year	HB 2037 Estimated Increase in Disability Payments	Estimated Total Disability Payments
2006	\$ 8,000	\$ 28.9 million
2007	\$ 30,000	\$ 29.8 million
2008	\$ 57,000	\$ 31.4 million

Date: January 28, 2005

Source: Mary Beth Green, Planning & Research Officer

Presented by:  
Glenn Deck



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For the KPERS retirement plan, our consulting actuary, Milliman USA, estimates that the provisions of HB 2037 will not alter the rates of retirement, and, consequently, will not have a material cost impact for the retirement fund.

These HB 2037 cost estimates are based on the data and assumptions used in the June 30, 2003, actuarial valuation for the KPERS death and disability program. KPERS could implement HB 2037 within currently approved staffing and operating expenditure levels.



March 21, 2005

## Senate Substitute for HB 2037

Senate Substitute for HB 2037 would include a number of provisions that amend the Kansas Public Employees Retirement System (KPERs) retirement plans, the KPERs death and long-term disability benefits plan, and the Regents retirement plan. In addition, other provisions implement new programs, including one that would establish a Regents long-term disability benefits plan and another that would allow nurses at state institutions to be exempt for three years from the \$15,000 cap on working after KPERs retirement. The items in the new bill will include:

- (1) This provision would increase the current rate of 0.6 percent to 1.0 percent for participating employer contribution to the KPERs death and long-term disability benefits plan, effective July 1, 2005. The rate increase would raise participating employer payments for the state, judges, school, and local groups that participate in the death and long-term disability benefits plan offered by KPERs. Additional authority would be delegated to the KPERs Board of Trustees to make changes in plan design to operate the program with available financial resources and statutory guidelines as modified by Senate Sub. for HB 2037.

**Background:** The item to increase the participating employer contribution rate for the KPERs death and long-term disability benefits plan was requested by the KPERs Board of Trustees and recommended by the Governor originally in SB 291.

The Senate Ways and Means Committee concurred with the recommendations of its Subcommittee on KPERs Issues to adopt the funding rate increase in SB 291 and to add certain specific provisions from 2005 HB 2075 that was recommended for introduction by the Joint Committee on Pensions, Investments and Benefits. Provisions incorporated from SB 291 and HB 2075 as reflected in Senate Sub. for HB 2037 would:

- increase participating employer contributions from 0.6 percent to 1.0 percent of payroll effective July 1, 2005;
- expand the KPERs Board of Trustees' authority to administer the program within available funds and to adjust the plan design as needed, with the understanding that the disability benefit would be reduced for future disabled members from 66 2/3 percent to 60 percent;
- provide that benefits for eligible employees disabled prior to the effective date of this legislation would remain unchanged, if the KPERs Board modifies the plan for a subsequent period; and
- maintain participating employer-provided basic life insurance at 150 percent of annual compensation.

The fiscal note addresses both the state and local governments that would be impacted by the rate increase. This item would implement the Governor's FY 2006 budget recommendation to increase by 0.4 percent the state and school employer contributions to the KPERs death and long-

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term disability benefits plan. The Governor's Budget Report includes \$16.8 million, with \$13.6 million financed from the State General Fund, for FY 2006, and an additional \$3.2 million must be paid beginning July 1, 2005, by local units of government and other KPERS participating employers that are not part of the state, judges, and school groups.

- (2) This provision would adjust the maximum duration of KPERS long-term disability benefit payments for employees disabled after age 65 to insure compliance with the federal requirements.

**Background:** This item was requested by the KPERS Board of Trustees and recommended in HB 2037 by the Joint Committee on Pensions, Investments and Benefits. There would be an increasing fiscal impact over time for this change, with estimated costs in FY 2006 of \$8,000; FY 2007 of \$30,000; and FY 2008 of \$57,000. Fully implemented, the cost impact could reach \$250,000 in 15 to 20 years, according to the KPERS actuarial estimates.

- (3) This provision would allow participating employers to affiliate for KPERS optional group life insurance either on January 1 or on July 1. The provision also would allow term coverage for spouses and dependents of KPERS members who would be able to purchase optional term life insurance for family members.

**Background:** This item was requested by the KPERS Board of Trustees and recommended in SB 22 by the Joint Committee on Pensions, Investments and Benefits. Affiliation under current law is limited to only once per year on January 1. KPERS does not anticipate any additional costs associated with this item as introduced. The Senate Ways and Means Committee added the additional optional life insurance for family members on recommendation of its Subcommittee on KPERS Issues. No fiscal note was available, but all additional costs would be paid by KPERS members and not participating employers.

- (4) This item would reduce the length of service required from 15 to 10 years for a surviving spouse to be eligible for retirement benefits if a member of KPERS or the Retirement System for Judges dies before reaching normal retirement eligibility for unreduced benefits.

**Background:** The item initially was sponsored by Senator Lee and cosponsored by the other 39 members of the Senate in SB 95. KPERS estimates additional unfunded actuarial liability would result from this bill totaling \$951,000, of which the state share would be \$621,000 and the local cost would be \$330,000. In order to pay the actuarial costs over time, the additional first year contributions for the state would be \$41,100 and for the local units would be \$21,800.

- (5) This provision would update current law regarding the Regents retirement plan for faculty and other unclassified employees of the State Board of Regents and the Regents institutions. This item would allow the use of mutual funds offered by a bank or approved non-bank custodian under section 401(a) of the Internal Revenue Code as a financial instrument for investing retirement funds. The other changes in the bill would be technical compliance revisions in order to conform with federal requirements.

**Background:** This item was requested by the State Board of Regents and recommended in SB 99 by the Legislative Educational Planning Committees. The bill resulted from comprehensive reviews by outside consultants to update the operation of the Regents retirement plan. The Board of Regents states that SB 99 would not have a fiscal effect on the state or any of its employees in the Regents system.



- (6) This provision would provide an additional long-term disability benefit to faculty and other unclassified employees of the State Board of Regents. In addition, the bill would modify current law regarding contributions that the Board of Regents makes in paying both the employer and employee amounts into the employee's retirement account if a staff member becomes disabled and is eligible for coverage by the KPERS death and long-term benefits plan. This item would address the contractual rights of current Regents retirement plan participants and would divide those who might become disabled into four categories, depending upon length of service and retirement benefits accrued. Current and future employees who do not fall into one of the new groups with accrued benefits would receive the continuing employer and employee retirement contributions on a pre-tax basis for five years after becoming disabled, and thereafter would receive the Regents employer and employee contribution payment as a post-tax disability benefit under the new plan.

**Background:** This item was requested by the State Board of Regents and originally introduced in SB 279. Regents unclassified employees who participate in the Regents retirement plan also participate in the KPERS death and long-term disability benefits plan that is available to all other state employees who participate in the regular KPERS plan for retirement. The Board of Regents make available an additional benefit to Regents unclassified employees since some retirement calculations only apply to other state employees who participate in the regular KPERS retirement plan and not to members of the Regents retirement plan. Under current law, members of the Regents retirement plan who become disabled will have both the employee and employer contributions paid by their employer while disabled. Federal law passed in 2001 limits these additional contributions to disabled participants to a maximum of five years, depending upon their length of service and other accrued benefits. This bill was recommended by the Board of Regents after two outside consultants reviewed the Regents retirement plan. The Budget Director indicates that this item would have a fiscal effect on both the Regents institutions for the contributions made on behalf of the employee's retirement as well as the employee for the level of retirement and disability benefits. This item would not have a fiscal effect on either the Regents institutions' contributions or the employee's benefits, if the employee becomes disabled within five years of retirement. This period is covered under current law and would continue to be under this provision, according to the fiscal note.

- (7) This provision would clarify the determination of KPERS state group and school group employer contribution rates by specifying that the rates will be calculated as if the two groups were combined in any year when the state rate is less than the combined rate.

**Background:** This item was requested by the KPERS Board of Trustees and recommended in SB 20 by the Joint Committee on Pensions, Investments and Benefits. The fiscal note indicates that without this amendment, the state would contribute approximately \$1.0 billion more in employer contributions through the end of the amortization period in FY 2033. This estimated savings is based on the KPERS current actuarial valuation adjusted for actual investment performance during December 31, 2004. Another provision in current law would continue to require that KPERS employer contributions paid by the state shall be distributed to the schools districts and reflected in their annual operating budgets. This amendment would shift a portion of the future annual payments away from school district budgets and have an additional amount reflected in the state portion of annual budgets.

- (8) Another provision would authorize the Director of Accounts and Reports to reissue outlawed KPERS warrants based on a charge of 10 percent of the amount of the warrant or \$30, whichever is less.

**Background:** The original item was requested by the KPERS Board of Trustees and recommended as SB 21 by the Joint Committee on Pensions, Investments and Benefits. The original provision as introduced had higher limits, but was replaced on recommendation by the Subcommittee on KPERS Issues with the provision in SB 46 that passed the Senate earlier in the 2005 Session. KPERS estimates administrative costs of \$1,000 to \$2,000 per year. The Senate Ways and Means Committee concurred with adding the provisions from SB 46.

- (9) This provision would allow a three-year trial plan suspending the current statutory \$15,000 cap for nurses who retire or are retired from a state agency and who return to work at the same state agency. The participating institutions would pay the actuarially calculated employer contribution to KPERS for each retired nurse who works under this plan if that nurse is retired from a KPERS state institution. The trial plan would be limited in scope to retired nurses who work for one of the following state institutions:

Larned State Hospital, Osawatomie State Hospital, Rainbow Mental Facility, Kansas Neurological Institute, Parsons State Hospital and Training Center, the Kansas Soldiers Home at Fort Dodge, and the Kansas Veterans Home at Winfield.

**Background:** Under current law, state employees who return to work after retirement and are employed by any state agency would be subject to an earnings cap of \$15,000 in any calendar year. When a retired state employee reaches the \$15,000 threshold, then the employee either must stop working for the remainder of that calendar year or KPERS will cease paying the monthly retirement benefits for the remainder of that calendar year. The Senate Subcommittee on SRS Institutions referred this issue for consideration by the Senate Subcommittee on KPERS Issues as it pertains to nurses at SRS institutions. KPERS reports that the fiscal note would not be significant, according to the actuary, since there would be relatively few employees eligible if the proposal addresses only nurses at state institutions.