

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:35 A.M. on March 26, 2008, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
 Alan Conroy, Director, Kansas Legislative Research Department
 Kristen Clarke Kellems, Assistant Revisor of Statutes
 Amy Deckard, Kansas Legislative Research Department
 Audrey Dunkel, Kansas Legislative Research Department
 Julian Efird, Kansas Legislative Research Department
 Cody Gorges, Kansas Legislative Research Department
 J. G. Scott, Kansas Legislative Research Department
 Jarod Waltner, Kansas Legislative Research Department
 Melinda Gaul, Chief of Staff, Senate Ways & Means
 Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Jerry Sloan, Office of Judicial Administration
 R. E. "Tuck" Duncan, representing the Judicial Professionals Chapter of Int'l Assn. Of
 Administrative Professionals
 Douglas Smith, on behalf of the Kansas Credit Attorneys Assn. and Kansas Collectors Assn.

Others attending:

See attached list.

The Chairman turned the committee's attention to discussion of the following bills:

HB 2858--Fort Hays state university foundation, authorized investing agent

Senator Emler moved, with a second by Senator Teichman, to amend provisions of SB 638 into HB 2858. Motion carried on a voice vote.

Senator Wysong moved, with a second by Senator Teichman, to recommend HB 2858 favorably for passage as amended. Motion carried on a roll call vote.

SB 626--An act establishing the veterans enhanced service delivery program

Staff distributed the following information to the committee:

- Memorandum from Jill Wolters, Senior Assistant Revisor, regarding a **Proposed Substitute for SB 626** (Attachment 1).
- **Senate Bill 626** Fiscal Impact (Attachment 2).

Senator Teichman moved, with a second by Senator Betts, to delete all the provisions of HB 2923, amend some provisions of SB 533, SB 680 and Proposed Senate Substitute for SB 626 into Senate Substitute for HB 2923, and recommend Senate Substitute for HB 2923 favorable for passage. Senator Morris explained that by this funding for the museum the Legislature is not assuming responsibility for any funding in the future and this should not be construed as legislative intent to further fund this museum. Nor should the museum be considered to be a state agency at any point. Motion carried on a roll call vote. Senator McGinn changed her vote to pass and explained that she has concern that this may start a precedent.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 26, 2008, in Room 123-S of the Capitol.

Senator Emler moved, with a second by Senator Teichman, to request an interim study regarding the proper use of provisos. Motion carried on a voice vote.

SB 656 --Home and community based services, long-term care

Staff distributed and explained a balloon amendment (Attachment 3).

Senator Steineger moved, with a second by Senator McGinn, to adopt the balloon amendment on SB 656. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Goodwin, to recommend SB 656 favorable for passage as amended. Motion carried on a roll call vote.

The Chairman opened the public hearing on:

HB 2968--Increase docket fees by \$9 to fund nonjudicial salary increases

Staff briefed the Committee on the bill.

Chairman Umbarger welcomed Jerry Sloan, Office of Judicial Administration, who testified in support of **HB 2968** (Attachment 4). Mr. Sloan explained the history of the Judicial Branch pay plan which was significantly changed in 2000 based on an initiative, the Nonjudicial Salary Initiative. He noted that since the implementation of the new pay plan, the salary adjustments provided have fallen short of the amount needed to remain competitive.

The Chairman recognized R. E. "Tuck" Duncan, representing the Judicial Professionals Chapter, International Association of Administrative Professionals, who testified as a proponent of **HB 2968** (Attachment 5). Mr. Duncan expressed the need regarding the importance of the positions and the need for competitive remuneration. He noted that the proposed state employee pay plan for classified personnel does not address these employees.

Chairman Umbarger acknowledged Douglas Smith, on behalf of the Kansas Credit Attorneys Association and the Kansas Collectors Association, Inc., who testified in opposition to **HB 2968** (Attachment 6). Mr. Smith explained that they oppose the funding mechanism (docket fees). He indicated that private parties already pay their share of the docket fees and since taxpayers, as a whole, benefit from the judicial system, they suggested increased compensation for non-judicial officers and court employees be funded by the State General Fund, in the same manner as other state employees.

Written testimony was submitted by:

Chief Judge Richard M. Smith, Sixth Judicial District, Legislative Chairman, KDJA (Attachment 7).

The Chairman closed the public hearing on **HB 2968**.

The meeting adjourned at 12:20 p.m. The next meeting was scheduled for March 26, 2008, later in the day.

SENATE WAYS AND MEANS
GUEST LIST

Date March 26, 2007

NAME	REPRESENTING
Kennie Loeffler	DOB
Ken Stodgett	VFW
Dannell Zwicker	VFW
JACK FOWLER	KCVA
Shanda Stover	
Spz Harty	
Richard Smirney	Kerny & SSO, KACSO
Kevin Murray	
Katelyn Porter	Judicial Branch
Melissa Furb	
Marilyn Kirby	
Shannon Jones	SIUC
Jennifer Schwegel	KACIL
AM High	SKIC
Larry Zimmerman	KCAA / KCA
Angel Zimmerman	KCAA
Doug Smith	KCAA / KCA
Deane Damer	DofA
Gavin Young	DofA
Marta Elias	DofA
Ken Olson	D of A
Jan Newma	
Kim Fowler	Judicial Branch

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MEMORANDUM

To: Senator Umbarger, Chairman, and Members of the Senate Ways and Means Committee

From: Jill Ann Wolters, Senior Assistant Revisor

Date: March 26, 2008

Subject: Proposed Substitute for SB 626, Veteran's Assistance

Proposed Substitute for SB 626, has provisions of SB 533, Committee hearings on February 5, 2008, and all of SB 680, Committee hearings on March 25, 2008.

New Section 1. An appropriation to the Kansas commission on veterans affairs for fiscal year 2009 for operating expenditures— administration \$50,000 (This money is to be used to hire a veteran's support and outreach administrative officer.)

New Section 2. State employees who serve in the military reserves and are called to full time military duty, mobilized and deployed on and after July 1, 2008, receive a one-time activation gross payment of \$1,500. Currently, pursuant to Executive Directive 05-365, the Governor has authorized such a payment in the amount of \$1,000 to employees deployed on and after September 11, 2001. As of January 30, 2008, 219 employees received such payment amounting to a total expenditure of \$219,000.

State employees who serve in the military reserves and are called to or currently on full time military duty, mobilized and deployed on or after July 1, 2008, receive a military pay differential of not more than \$1,000 gross payment per pay period. Currently, pursuant to Executive Directive 05-365, the Governor has authorized such a pay differential limited to \$500. As of January 30, 2008, \$17,448 has been paid to eligible state employees.

New Section 3. An appropriation to the department of wildlife and parks for fiscal year 2009 in the amount of \$75,392, for issuing free hunting and fishing licenses for calendar year 2009 for Kansas disabled veterans who have been honorably discharged and have a service connected disability that is equal to or greater than 30%. The agency is estimating 12,916 Kansas veterans would qualify. This program would be similar to the reimbursement for annual licenses issued to national guard members.

New Section 4. A person who is in full-time military service and deployed outside the

United States for at least six months can defer the real property taxes on such person's principal place of residence for up to 2 years. Interest and penalties would be waived.

Section 5. Amending K.S.A. 2007 Supp. 8-1,146 to allow active duty military to purchase military motor vehicle tags. Currently, only veterans who have been honorably discharged may purchase the tag.

Section 6. This section amends K.S.A. 74-8724 to allow the lottery to sell the veterans benefit game tickets year round, not only between May 1 and November 30. The proceeds would be divided as follows:

1. From July 1, 2008, to June 30, 2010, 40% and thereafter, 50% for purposes directly benefitting members of the Kansas army and air national guard and their families to provide for Kansas national guard educational assistance act scholarships pursuant and, to the extent that moneys are available, for other purposes directly benefitting members of the Kansas army and air national guard and their families.
2. From July 1, 2008, to June 30, 2010, 30% and thereafter, 50% for operating expenditures and capital improvements for the use and benefit of the Kansas veterans' home, the Kansas soldiers' home and the state veterans cemetery system.
3. From July 1, 2008, to June 30, 2010, 30% for the museum of the Kansas national guard to expand the museum facility to include a 35th Infantry Division Museum and a museum education center. (These provisions are from SB 680)

Senate Bill 626 Fiscal Impact

Senate Ways and Means
3-26-08
Attachment 2

	FY 2009 SGF	FY 2009 All Funds	FTE
Veterans' Commission Administrative Position (SB 533)	\$ 60,000	\$ 60,000	0.0
One-Time Activation Bonus Increase* (SB 533)	N/A	N/A	0.0
Payment Differential** (SB 533)	N/A	N/A	0.0
Annual Hunting and Fishing Licenses to Disabled Veterans (SB 533)	75,392	75,392	0.0
Real Property Tax Deferral (SB 533)	-	-	0.0
Veteran Designation on License Plates (SB 533)	-	-	0.0
Total Expenditures	\$ 135,392	\$ 135,392	0.0
Increased Fund Estimate for Year-Round Lottery Sales***	\$540,000	\$540,000	0.0

*Since its inception, the agency notes there have been 220 activation payments.
 ** Since its inception the agency notes \$17,448 has been paid to eligible employees.
 *** Funding for KCVA would be subject to appropriations

Staff Note: The Committee would like to review, at Omnibus, how much funding is necessary for the Administrative position to coordinate with the Kansas Health Policy Authority and Social and Rehabilitation Services web-based enrollment initiative.

SENATE BILL No. 656

By Committee on Ways and Means

2-26

9 AN ACT concerning long-term care services; relating to home and com-
10 munity based services.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) In the state of Kansas, long-term care services, includ-
14 ing home and community based services, shall be provided through a
15 comprehensive and coordinated system throughout the state. ~~Utilization~~
16 ~~of services to all long-term care consumers shall be through a single point~~
17 ~~of entry.~~

18 (b) The system shall:

19 (1) Emphasize a delivery concept of self-direction, individual choice,
20 home and community settings and privacy;

21 (2) ensure transparency, accountability, safety and high quality
22 services;

23 (3) increase expedited eligibility determination;

24 (4) provide timely services;

25 (5) utilize informal services; and

26 (6) ensure the moneys follow the person into the community.

27 (c) All persons receiving services pursuant to this section shall be ~~offered~~
28 ~~placed in~~ the appropriate services which are determined to be ~~the most~~
29 economical available with regard to state general fund expenditures. For
30 those persons moving from a nursing facility to the home and community
31 based services, the nursing facility reimbursement shall follow the person
32 into the community.

IN AGGREGATE

33 (d) The department on aging, the department of social and rehabil-
34 itation services, and the Kansas health policy authority shall design and
35 implement the system, in consultation with stakeholders and advocates
36 related to long-term care services.

37 (e) The department on aging, ~~in consultation with~~ and the department of
38 social and rehabilitation services ~~and~~, **in consultation with** the Kansas
39 health policy authority shall submit an annual report on the long-term
40 care system to the governor and the legislature annually, during the first
41 week of the regular session.

42 Sec. 2. This act shall take effect and be in force from and after its
43 publication in the statute book.

Senate Ways and Means
3-26-08
Attachment 3



State of Kansas

Office of Judicial Administration

Kansas Judicial Center

301 SW 10th

Topeka, Kansas 66612-1507

(785) 296-2256

Senate Ways and Means Committee

March 26, 2008

Thank you for the opportunity to discuss HB 2968. HB 2968 would increase docket fees by \$9 and place the new money in the newly-established Judicial Branch Nonjudicial Salary Adjustment Fund to fund a nonjudicial salary increase in FY 2009.

HB 2968 would provide funding for the first year of a three-year plan for the Judicial Branch. As you are aware, state employee pay has deteriorated over the past several years and the Executive Branch has completed a study endorsed by this Committee in Senate Sub. for HB 2916 to address the problem. Judicial Branch employees, like all unclassified employees, were not included in that study nor the recommendations for market adjustments. The Ways and Means Subcommittee reviewing our budget heard testimony during its review of the budget on this problem and recommended it be reviewed when State General Fund balances became clearer.

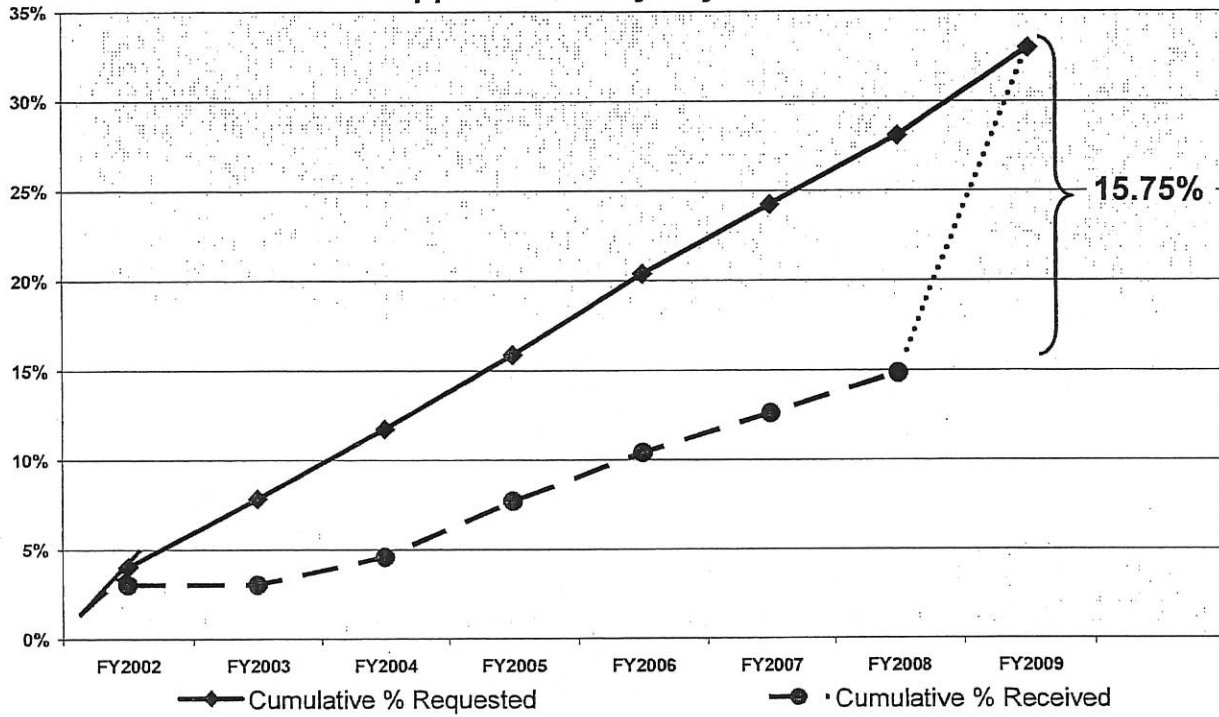
To briefly summarize that testimony, the Judicial Branch pay plan was significantly changed in 2000 based on an initiative, the Nonjudicial Salary Initiative. One of the major recommendations of the study at that time was that salary plan adjustments, based on economic indicators, were regularly needed so the pay plan would not again fall into disrepair. However, since the implementation of the new pay plan, the salary adjustments provided have fallen short of the amount needed to remain competitive. Since we are attempting to keep our salaries and wages competitive we follow the Employment Cost Index and not the Consumer Price Index. While in many of the years the difference between the salary increase provided and the one indicated by the Employment Cost Index may have appeared relatively minor, the cumulative effect is definitely significant and the testimony from District Court Clerks and Court Services Officers described how that impacted their offices. The percentage increase required for FY 2009 in order to return the competitiveness of our pay plan to where it was at implementation is 15.75%.

The House heard similar testimony and their recommendation is that the increase be phased in over three years and that the first year be funded by an increase in the docket fees. HB 2968 is the legislation that would implement that first year funding and thus, we support the bill.

I have attached to this testimony two additional pieces of information. One shows how salaries have fallen behind and the second is the calculation of the fiscal note for HB 2968.

*Senate Ways and Means
3-26-08
Attachment 4*

**Cumulative Salary Plan Adjustments Since NJSI
Requests Based on Employment Cost Index vs.
Approved Salary Adjustments**



**Comparison of Employment Cost Index and Approved Salary Adjustments
FY 2002 to FY 2009 – Impact on \$20,000 Salary Base**

Fiscal Year	Annual Salary	ECI	Fiscal Year	Annual Salary	COLA	Percent Change
	20,000			20,000		
FY 2002	20,800	4.0%	FY 2002	20,604*	3.0%	
FY 2003	21,570	3.7%	FY 2003	20,604	0.0%	
FY 2004	22,346	3.6%	FY 2004	20,914	1.5%	
FY 2005	23,173	3.7%	FY 2005	21,541	3.0%	
FY 2006	24,077	3.9%	FY 2006	22,080*	2.5%	
FY 2007	24,847	3.2%	FY 2007	22,522	2.0%	
FY 2008	25,617	3.1%	FY 2008	22,972	2.0%	
FY 2009	26,591	3.8%	FY 2009			15.75%

*Reflects effect of staggered COLA distribution

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Restoration of Competitiveness to the Judicial Branch Pay Plan

- Without salaries that can compete with those of other employers, the Judicial Branch will no longer be able to attract and retain qualified employees.
- Before the implementation of the NJSI (the Nonjudicial Salary Initiative) in FY 2001, the Judicial Branch experienced high turnover and difficulty in recruiting employees for many jobs. Job advertisements sometimes led to few or no applicants.
- Employees frequently cited low pay as a reason for leaving Judicial Branch employment, and surveys of competing employers confirmed that Judicial Branch pay was not competitive.
- After implementation of the NJSI, turnover declined and the overall competence and qualifications of job applicants improved, again confirming that low pay was a primary cause of the previous hiring difficulties.
- One of the principal recommendations of the NJSI study was that pay rates need to be adjusted regularly based on economic indicators in order to remain competitive.
- The Employment Cost Index (ECI), as reported by the U. S. Bureau of Labor Statistics, shows the previous year's increase in compensation costs for civilian workers, which is believed to be the adjustment needed to stay competitive with other employers.
- Each year since the FY 2001 implementation of the NJSI, the Judicial Branch budget has requested a salary adjustment based on the previous year's Employment Cost Index, but each year the approved salary increase, if any, has been less than the request based on the ECI.
- With the exception of FY 2003, in which there was no approved salary increase and the ECI was 3.7%, the difference between the ECI and the approved salary increase has not been dramatic. However, the cumulative effect has been dramatic, as shown in the attached graph and chart.
- As a result, each year Judicial Branch pay falls further behind where it needs to be in order to remain competitive with other employers. This is being reflected in higher turnover and more difficulty in recruiting.
- At this time, a 15.75% salary adjustment is needed for FY 2009 to return the Judicial Branch, as an employer, to a position of being able to compete with other employers for qualified employees.

Type of Fee	Filings or Terminations	% of Cases Docket Fees Collected	Adjusted Filings or Terminations	Current Fee	Proposed Increase	Proposed Total	Incr Fr. Proposal
Civil							
Chapter 60 Limited Action (61) <=\$500	25,689	98%	25,175	\$147.00	\$9.00	\$156.00	\$226,577
>\$500 or <=\$5,000	130,768	98%	128,153	\$28.00	\$9.00	\$37.00	\$634,356
>\$5,000 or <=\$10,000		40%	51,261	\$48.00	\$9.00	\$57.00	\$461,350
Small Claims	9,450	5%	6,408	\$94.00	\$9.00	\$103.00	\$57,669
		98%	9,261	\$30.00	\$9.00	\$39.00	\$45,842
		55%	5,094	\$50.00	\$9.00	\$59.00	\$37,507
Domestic Relations Post Decree Motion	39,374	45%	4,167	\$147.00	\$9.00	\$156.00	\$212,620
	11,732	60%	23,624	\$33.00	\$9.00	\$42.00	\$105,588
		1.0 motion per decree	11,732				
Juvenile***							
Child in Need of Care	6,330	6%	380	\$25.00	\$9.00	\$34.00	\$2,564
Juvenile Offender	13,883	10%	1,388	\$25.00	\$9.00	\$34.00	\$9,371
Criminal*							
Felony	18,879	16%	3,021	\$163.00	\$9.00	\$172.00	\$13,593
Misdemeanor	17,950	38%	6,821	\$128.00	\$9.00	\$137.00	\$30,695
Expungements	500	100%	500	\$100.00	\$9.00	\$109.00	\$4,500
Probate							
Treatment of Alcohol or Drug or Treatment of Mentally Ill	2,849	25%	712	\$27.50	\$9.00	\$36.50	\$6,410
Determination of Descent	1,355	98%	1,328	\$42.50	\$9.00	\$51.50	\$11,951
Guardianship and Conservatorship	2,041	50%	1,021	\$62.50	\$9.00	\$71.50	\$9,185
Annual Reports	7,800	100%	7,800	\$5.00	\$9.00	\$14.00	\$70,200
Annual Accounting of Conservatorship over \$10,000	3,500	30%	1,050	\$5.00	\$9.00	\$14.00	\$9,450
Closing Conservatorship under \$10,000	1,000	100%	1,000	\$5.00	\$9.00	\$14.00	\$9,000
over \$10,000	1,000	100%	1,000	\$5.00	\$9.00	\$14.00	\$9,000
Probate of an Estate or a Will	3,503	100%	3,503	\$102.50	\$9.00	\$111.50	\$31,527
Other Costs and Fees							
Performance Bonds							
Delinquent Personal Property Tax							
Hospital Lien							
Intent to Perform							
Mechanic's Lien							
Oil and Gas Mechanic's Lien							
Pending Action Lien							
Total	3,435	100%	3,435	\$5.00	\$9.00	\$14.00	\$30,915
Employment Security Tax Warrant							
Sales and Compensating Tax Warrant							
State Tax Warrant							
Motor Carrier Lien							
Total	4,812	100%	4,812	\$15.00	\$9.00	\$24.00	\$43,308
Marriage License	19,696	100%	19,696	\$50.00	\$9.00	\$59.00	\$177,264
Driver's License Reinstatements	18,770	100%	18,770	\$50.00	\$9.00	\$59.00	\$168,926
Traffic**	213,863	92%	196,754	\$66.00	\$9.00	\$75.00	\$1,416,629
Fish and Game**	2,421	83%	2,009	\$66.00	\$9.00	\$75.00	\$14,468

TOTAL FEES COLLECTED

\$3,850,461

* Criminal fees are adjusted by 50% to reflect delayed implementation

** Traffic and Fish and Game fees are adjusted by 20% to reflect delayed collection

*** Juvenile fees are adjusted by 25% to reflect delayed implementation

Statement to the Senate Ways and Means Committee
Regarding H.B. 2968

by
R.E. "Tuck" Duncan
representing
Kansas Judicial Professionals Chapter
International Association Administrative Professionals

We support House Bill 2968 and the effort to increase the salaries of all nonjudicial employees of the judicial branch.

However, there is a group within those employees that has been overlooked for many years, and we ask that you take specific action in addition to HB 2968 to correct this oversight.

OVERVIEW: JUDGES' ADMINISTRATIVE ASSISTANTS' POSITION

The District Court Judges' Administrative Assistant position is a multidimensional position. These individuals not only perform executive and complex managerial duties, but also perform substantive legal duties under the direction and supervision of the judges. These individuals not only assist the Judge but they are extensions of the Judge and managers of the trial court. We are unaware of any other administrative/managerial position which requires the depth and breadth of knowledge or as much diversity of skill, talent, training and level of responsibility and stress this position demands. Many of these individuals have brought to the judicial branch many years of experience as office managers, business managers, legal secretaries and paralegals and many have years of experience with the District Court.

This is the only position in the Judicial Branch Classification system which is designated as confidential, with no employment protections. When a District Judge dies, retires, is not retained or elected or otherwise leaves the bench the individual occupying this position is automatically out of a job, unless specifically retained by the successor judge. This position is equivalent to the State's unclassified positions for executive support staff in the Executive Branch.

Since at least 1987 there has been an inequity allowed to exist within the Judicial Branch Pay Classification System wherein there was no special classification created or distinction made for District Court Judges' Administrative Assistants/Court Managers. This is the only class of Judicial Branch employee who have never had a representative-spokesperson-advocate or a voice in any classification/pay issues. This group of approximately 130 individuals has consistently been overlooked and have not benefited from any classification adjustments/enhancements as has been awarded to other groups during this relative time period, i.e., Court Reporters, Court Administrators, Clerks of the District Court, Court

Services Officers, etc. *This wrong requires immediate steps to address and remedy this completely unfair and gross inequity.*

As a result of the inequity that was built into the system, the bar has steadily decreased to the lowest possible level for attracting and/or retaining individuals with the necessary qualities and skill levels required and needed for the position. No longer do court clerks or other employees within the system aspire to acquire the skill sets needed to advance to this position with the level of duties, responsibilities and stress it demands of them. However, the District Judges are now virtually limited to this pool of applicants for any open positions. Further, the present long time individuals in these positions cannot in good conscience encourage or recommend to anyone that they should work or maintain their employment in this system. The classification/salary for a Trial Court Clerk IV and V now exceeds that of a Judges' Administrative Assistant.

This position should be afforded at least the same level of importance as that assigned to the executive and management support staff in the Executive Branch unclassified system. In addition, this position should be afforded the same designations as court reporters and covered under K.S.A. 20-917. Judges' Administrative Assistants required to travel for hearings in other judicial districts should be reimbursed their actual and necessary expenses in the same manner as court reporters and judges.

The Supreme Court should be directed as a proviso to the Judicial Branch funding to do/complete a salary survey/study of comparable unclassified executive and managerial support staff, evaluate all existing District Court Judges' Secretary I and Secretary II positions for proper reclassification and then upgrade and reclassify these positions.

Please amend KSA Chapter 75, Article 32; KSA 75-3212; KSA 75-3216 to include judges' support staff required to travel with their judges for hearings to other judicial districts so that their actual and necessary expenses are reimbursed in the same manner and method as that designated for judges and court reporters.

During the presentations regarding the judicial branch budget there was testimony by Judges regarding the importance of these positions and the need for competitive remuneration. As you are aware the proposed state employee pay plan for classified personnel does not address these employees. Attached you will find comparative data reflecting the inequity of the situation of which we speak.

Thank you for your attention to and consideration of these matters.

**STATE OF KANSAS
DISTRICT JUDGES' ADMINISTRATIVE ASSISTANTS
CURRENT TITLE/PAYGRADE/SALARY**

Title	Pay Grade	Salary Level - 1 Step A Start	Salary Level - 2 Step B 6 mos	Salary Level - 3 Step C 12 mos	Salary Level - 4 Step D 4 yrs 7.6% increase= 2.53% p/yr	Salary Level - 5 Step E Max 8yrs 7.65% increase= 1.91% p/yr Frozen
Administrative Assistant Unchanged since at least 1987	17	26,480	27,117	29,116	31,398	33,800

**JUDICIAL BRANCH
INTERNAL SALARY COMPARISONS**

Title	Pay Grade	Salary Level - 1 Step A Entry	Salary Level - 2 Step B 6 mos	Salary Level - 3 Step C 12 mos	Salary Level - 4 Step D 4 yrs	Salary Level - 5 Step E 8 yrs
Admin Assistant to the Chief Justice; and Alternative Dispute Resolution Coordinator	31	52,347	53,687	57,737	62,117	66,845
Administrative Officer	28	45,215	46,344	49,897	53,687	57,737
Attorney Registrations Clerk III; and Attorney Admissions Clerk III;	27	43,048	44,156	47,522	51,147	55,006
Managing Court Reporter	27	43,048	44,156	47,522	51,147	55,006
Judicial Qualifications Clerk III	26	41,051	42,062	45,215	48,722	52,347
Official Court Reporter	25	39,096	40,036	43,048	46,344	49,987
Information Resource Specialist	25	39,096	40,036	43,048	46,344	49,987
Admin Personnel Technician	24	37,213	38,156	41,051	44,156	47,522
Lead Administrative Technician	23	35,447	36,344	39,096	42,062	45,215
Executive Judicial Assistant III	22	33,800	34,624	37,213	40,036	43,048
Executive Judicial Assistant II; and Trial Court Coordinator	21	32,151	32,976	35,447	38,156	41,051
Executive Judicial Assistant I	20	30,622	31,398	33,800	36,344	39,096

OTHER SALARY COMPARISONS

Title	Pay Grade	Salary Min	Mid-Point	Salary Max		
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CITY OF TOPEKA

Municipal Court Administrator (Assists two Judges)	M35	55,287	64,876	74,464		
Paralegal	M23	38,626	45,344	52,062		
Executive Assistant I	M21	36,421	42,734	49,046		

KANSAS CITY UNIFIED GOVERNMENT

Administrative Support Supervisor	7	35,194	44,242	52,874		
Professional Assistant	7	35,194	44,242	52,874		

SHAWNEE COUNTY (Classified employees receive 2-1/2% step and 2-1/2% COLA yearly)

Office Administrator unclassified	N/A	52,461	2-3% annual increase			
Legal Office Admin	29	42,245	53,664	65,083		
Executive Assistant	26	35,131	45,635	56,139		
Administrative Officer	25	33,447	43,441	53,435		

CITY OF OLATHE

Judicial Administrative Assistant	unk	44,068	56,497	68,926		
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CITY OF LAWRENCE

Municipal Court Manager	unk	45,990	57,131	68,272		
Admin. Support IV	unk	32,735	40,665	48,595		
Management Assistant	unk	32,735	40,665	48,595		

Title	Pay Grade	Salary Min	Mid-Point	Salary Max		
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OVERLAND PARK

Administrative Specialist III	unk	38,784				
Administrative Specialist IV	unk	43,452				
Administrative Specialist V	unk	48,132				

JOHNSON COUNTY

Office Manager	unk	38,000	50,638	63,275		
Executive Secretary	unk	32,600	43,475	54,350		

**KANSAS CREDIT ATTORNEYS ASSOCIATION
AND KANSAS COLLECTORS ASSOCIATION, INC.**

REMARKS CONCERNING HOUSE BILL NO. 2968

SENATE WAYS AND MEANS COMMITTEE

March 26, 2008

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

Thank you for the opportunity to present remarks regarding House Bill 2968 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 law firms, whose practice includes considerable collection work, and the Kansas Collectors Association, Inc., is an association of collection agencies in 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 opponents to the funding mechanism proposed House Bill No. 2968. We are not opposed to the salary increases requested by the Judicial Branch at all. We believe that the judicial employees provide a great service to the State and as such the state general fund should be responsible for these personnel costs in the same manner as other state employees.

House Bill No. 2968 creates the judicial branch non-judicial salary adjustment fund and increases docket fees \$9 to provide resources for the fund. While increased compensation for non-judicial officers and court employees may be necessary, funding salary increases by means of a flat docket fee increase of \$9, without a step-up approach, unfairly falls on the backs of a select group of Kansas residents and Kansas businesses. The language in HB 2968 is phase one of a multi-phase effort to raise salaries by \$10.5 million. We are concerned that there is no future incentive to move away from the docket fees as a funding source for salaries and this increase will likely become a permanent increase. Without the potential for future review, an invitation for future increases to the docket fees is created to meet the needs of the additional phases. Unfortunately, Kansas residents and businesses are caught in the middle of this battle of budget priorities.

We understand the difficulty the Judicial Branch has attracting qualified employees. However, the KCAA and KCA are fundamentally opposed to using docket fees as a funding source for salaries. Our members are always cautious of efforts to raise additional revenues through increased service fees with no corresponding improvement in services being offered to those who utilize the services.

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Should merchants and small businesses have to weigh the cost of entering the judicial system into their attempts to recover money due them for the goods or services they provided someone? Some might argue that increased courts costs could be passed through. That is only after a case is filed, arguments heard, a favorable judgment rendered and the judgment collected.

Although civil cases, including collection matters, which are our members' primary practice area, and make up a large portion of the case filings and the revenue generated, they require less of the court's resources in comparison to other types of cases, such as criminal and divorce matters. Also remember that state and local governments, some of the biggest users of the court system, don't pay fees like everyone else.

What happens if limited action case filings decline as they did after the \$5 emergency surcharge was implemented several years ago? (Limited Actions filings decreased by just over 24,000 cases between 2003-2006) If a \$5 increase caused in a reduction in case filings, how will a \$9 increase be received? In the event that does occur, how will the lost ground be made up? Our business clients are already looking at ways to collect and recover losses without using the courts and this activity will only increase in the years to come.

Private parties already pay their share of the docket fees and since taxpayers, as a whole, benefit from the judicial system we suggest increased compensation for non-judicial officers and court employees be funded by the state general fund, in the same manner as all other state employees.

We respectfully request that you consider our remarks as you work your way through this issue.

Thank you again for your time and consideration.

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

•Senate Ways and Means Committee

Hon. Dwayne Umbarger, Chairman

March 26, 2008

Chief Judge Richard M. Smith
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TESTIMONY IN SUPPORT OF HB 2968

My name is Richard M. Smith and I am the Chief Judge of the Sixth Judicial District and am legislative chairman of the Kansas District Judge's Association. Thank you for allowing our association to appear by written testimony. The executive committee of the KDJA stands in unanimous support of house bill 2968. This legislation will help all district courts in the State of Kansas by allowing them to more adequately compete with the private sector to attract and retain qualified employees.

All court systems both urban and rural currently suffer a competitive disadvantage when compared to the private sector. Statewide, Chief Judges have witnessed the loss of valuable employees who can find higher wages with employers in the private sector where, frankly, they do not face the difficult work environment of a district court.

District court personnel generally deal with a public sector customer base which is under great stress. This customer base are persons often times charged with criminal offenses or traffic infractions or are persons engaged in life altering litigation such as divorce and other civil actions. Our employees are charged with the responsibility of working with the public who are

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under these difficult circumstances while simultaneously charged with creating and maintaining a permanent record of the official actions of our courts. Many of these employees are responsible for receiving and accounting for great amounts of money. Others are charged with the responsibility of monitoring and supervising convicted persons with the goal of keeping our communities safe. Taken as whole there are no private sector positions which present all of these difficult circumstances.

The high turnover and difficulty in recruiting employees for many jobs has been recognized for many years. In FY 2001 the NJSI (non-judicial salary initiative) studied these issues and discovered that employees frequently cited low pay as a reason for leaving the judicial branch. Surveys of competing employers have confirmed that judicial branch pay is not competitive with the private sector. Notices of job vacancies too frequently result in no qualified applicants or no applicants at all.

Recruiting and keeping qualified personnel is essential to maintaining a court system of which we can all be proud. Any organization, public or private, is only as effective as the quality of its work force.

The Kansas District Judges Association asks you to support HB 2968.

Respectfully submitted

Richard M. Smith
Chief District Judge
Sixth Judicial District