

SESSION OF 2006

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR SENATE BILL NO. 337**

As Agreed to March 30, 2006

Brief*

House Sub. for SB 337 would provide a pay increase for judges; establish a 13-member Commission on Judicial Performance; increase docket fees to fund the pay increase and the Commission; delay the phase in increase of Kansas Court of Appeals Judges by one year; authorize the payment of a portion of the health insurance costs for retired judges who work part time as judges; and expand the exemption from paying docket fees to not only cities and counties which are exempt under current law but to nearly all local units of government.

The bill would do the following:

Pay Raises for Judges

The bill would provide a \$9,000 a year pay raise for district judges and district magistrate judges and a \$2,000 pay increase for Court of Appeals judges.

	Judge Salary Increase*	
	<u>FY 2006</u>	<u>FY 2007</u>
Kansas Court of Appeals:		
Chief Judge	120,080	122,080
Associate Judge	116,988	118,988
District Court:		
Adm. Judge	106,994	115,994
Judge	105,829	114,829
Magistrate	50,066	59,066

*The salary of the Kansas Supreme Court would remain at \$124,442 for the Chief Justice and \$121,186 for Associate Justice.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

The bill also would suspend the annual cost of living pay increase statute for one year as it applies to magistrate district court judges and district court judges.

Commission on Judicial Performance

The bill would establish the 13-member Commission on Judicial Performance to be appointed by the Kansas Judicial Council. Six members must be non lawyers, six must be lawyers and the chairperson shall be a lawyer, justice or judge. At least one lawyer and one non-lawyer must reside in each judicial district.

The goals of the Commission would be to improve judicial performance, help voters make more informed decisions, and promote public accountability of the Judiciary. The Commission would create, distribute, collect, and tabulate surveys in a confidential manner. Those surveyed would evaluate the judge's ability, integrity, impartiality, communication skills, professionalism, temperament, and administrative capability. For judges who are not elected, it also would be used to assist voters in evaluating performance of judges subject to retention elections.

The bill would raise docket fees to finance the Commission. The bill would establish the Judicial Performance Fund in the state treasury.

Court of Appeals Expansion Delayed

The bill would delay for one year the continued expansion of the size of the Kansas Court of Appeals to 13 judges until January 1, 2008 and to 14 judges until January 1, 2009.

Sheriffs' Fees Exemption For Local Government Expanded

The exemption from paying docket fees and Sheriffs' fees for service of process which currently applies to cities and counties would be extended to cover nearly all local units of government.

Retired Judges Health Insurance

The bill would provide an employer contribution for health insurance to retired judges who return to temporary judicial duties while receiving service retirement benefits. Retired judges performing judicial duties for 104 days or 40.0 percent in each year would participate in the Kansas State Employee Health Insurance Program as if the retirant is serving as a full-time employee. A retirant who serves less than 104 days or 40.0 percent of each year would be considered a part-time employee for calculation of the employer health insurance share.

The estimated cost would be \$79,361 based on current contracts.

Child Exchange and Visitation Centers-Funding

The bill would increase by \$9 the docket fees for divorce, separate maintenance, annulments, child support enforcement, and parentage determinations and provide this increase would be used to fund child exchange and visitation centers.

Docket Fee Increases

Docket fees would be increased and a new docket fee established on expungements to fund the judicial pay raise, the expenses of the Commission on Judicial Performance, and the child exchange and visitation centers.

Conference Committee Action

The Conference Committee agreed to the House amendments to House Sub. for SB 337. In addition, the conferees agreed to amend into the bill the following:

- Adding provisions of SB 52 dealing with retired judges health insurance;
- Expanding the local government that will be exempt from paying Sheriffs' service of process fees and other court related fees;
- Adding provisions of SB 568 delaying the expansion of the Kansas

Court of Appeals; and

- Adding provisions of SB 462 raising docket fees to pay for child exchange and visitation centers.

Background

SB 337, as introduced, was recommended by the 2005 Special Committee on Judiciary as a means to fund a \$9,000 salary increase for district judges and district magistrate judges.

The Senate Committee struck the pay raise provisions and inserted instead the provisions dealing with free statewide electronic access to court records.

The Senate Committee of the Whole added the amendment allowing counties to provide electronic access to court records and to charge reasonable fees. The language was taken from SB 353.

The House Committee amendments would do the following:

- Increase docket fees to provide salary increases for District Court Judges, Chief Judges, and District Magistrate Judges. This provision is from 2005 SB 296;
- Provide for judicial evaluations by creating the Commission on Judicial Performance;
- Establish the Judicial Performance Fund; and
- Sunset the funds earmarked for the Judicial Performance Fund and the increased docket fees on June 30, 2010.

These last three provisions are from HB 2612.

The fiscal note on the original bill estimates the docket fee increase would generate approximately \$3.2 million annually.

SB 568 was supported by the Office of Judicial Administration since the funding for the additional judges and staff has been removed from the budget of the Judiciary. Legislation that expanded the size of the Court of Appeals from 10 to 14 judges was enacted in 2001 and has been delayed twice since that time.

The fiscal note states that SB 568 would reduce the Governor's budget recommendation by \$297,296 and 3.00 FTE positions. The funding reduction would include \$101,756 for six months of salary for a judge and two staff members. It also would include \$165,540 for remodeling the space in the Judicial Center to accommodate the new judge.

SB 462 was supported by representatives of Safe Visit of Topeka, the Kansas Coalition Against Sexual and Domestic Violence, TFI Family Services (the Farm, Inc.), Hope Unlimited, Inc, the Emporia and Hutchinson Visitation Centers, and a Leavenworth district court judge.

The bill would generate approximately \$200,000 additional moneys each year for child visitation centers.