

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on Wednesday, January 14, 2004 in Room 123-S of the Capitol.

All members were present except:

Senator Haley (E)
Senator Pugh (E)

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Jerry Ann Donaldson, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Judge Nancy Parrish, Third Judicial District, Shawnee County, and The Kansas District
Judges' Association
Melissa Wangemann, Legal Counsel, Secretary of State's Office

Others attending:

See Attached List.

Chairman Vratil introduced Judge Nancy Parrish, representing The Kansas District Judges' Association. Judge Parrish gave a report on the "state of the courts". She identified one change that will impact the Judicial Branch as a whole. It is the direct submission of the Judicial Branch budget to the Legislature. Previously the budget was first submitted to the Director of the Budget for review and revisions. (Attachment 1)

Judge Parrish explained that the budget before the Legislature is the Judicial Branch maintenance budget as requested by the Judicial Branch. She explained that it was complicated because the Governor intended for Judicial Branch employees, like all other state employees, to receive the Governor's proposed 3% Cost of Living Allowance (COLA) which amounts to \$1.7 million. However, the COLA was not added to the Judicial Branch budget in the Governor's Budget Recommendation.

Judge Parrish said the maintenance budget is the amount of funding the Judicial Branch needs to fund existing Judicial Branch staff and programs, nearly all of which are mandated by the Kansas Constitution or federal or state statutes. It does not include any new positions or enhancements. She discussed how underfunding of the Judicial Branch budget reached a crisis situation by FY 2002, and the Supreme Court exercised its inherent authority to maintain court operations. It issued an emergency surcharge order in March of 2002. Judge Parrish added that while the emergency surcharge kept courthouse doors open in FY 2003 and FY 2004, the Judicial Branch budget for FY 2005 includes a request to fully fund the maintenance budget so that the surcharge is not necessary. She explained the majority of the Judicial Branch budget is for the district courts. It is the funding that keeps the staff in place in each of the counties, provides services to legislative constituents, and provides funding for court services officers who supervise probationers in each county.

Judge Parrish went over the four additional judicial positions requested in the Judicial Branch's budget. The positions included one district court judge and three district magistrate judges. In addition to the district judge position, she identified an administrative assistant and a court reporter as staff for the judge. Judge Parrish explained the need and location for the three district magistrates requested included the Eighth, Ninth, and 27th Judicial Districts.

Twenty new non-judicial positions in the district courts were requested primarily for judicial support staff and court services officers according to Judge Parrish. She elaborated on the need for the additional personnel and the justification of same, and included with her written testimony a spreadsheet showing a Summary of Caseload Filings and FTE Positions from FY 1987 through FY 2003.

CONTINUATION SHEET

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Judge Parrish gave an update on existing programs and provided information on new and expanded programs of the Judicial Branch. The programs included new child support guidelines which were effective January 1, 2004, the death penalty audit which concluded that the estimated cost of 14 death penalty cases to date amounts to 25% of the \$14, 467,901 death penalty cost noted in the Post Audit report, implementation of a new and improved district court accounting and case management system, the increased expansion and use of alternative dispute resolution in domestic cases, the Stop Violence Against Women Grant obtained by the Kansas Supreme Court in October 2003, and the Parent Advocate Pilot Project.

In conclusion, Judge Parrish said the Statewide Summary of Caseload Filings does not include over 200,000 traffic cases, over 200,000 protection from property cases, or approximately 800,000 protection from abuse cases. She explained these were not included because the summary format was based on a prior audit covering 1987 through 1996, and showed where the court system was through 2003.

Following general discussion and questions, Chairman Vratil expressed his appreciation to Judge Parrish for her presentation.

The Chair called for introduction of bills. Melissa Wangemann, Legal Counsel, Secretary of State's Office, requested a bill to update statutory provisions governing notaries public and to incorporate cases and practices that have modified the provisions, and also added technological changes to recognize electronic transactions. (Attachment 2)

After brief discussion, Senator Schmidt made a motion to introduce the bill, seconded by Senator Umbarger, and the motion carried.

Chairman Vratil asked Mike Heim to continue his review of the interim report of the Special Committee on Judiciary. (Attachment 3) Mr. Heim told the Committee that the interim committee reviewed the Liquor Control Act and the Cereal Malt Beverage Law and the need for uniformity in both laws. In its review, the Committee examined the recent Wyandotte County District Court ruling that the Kansas Liquor Control Act was non-uniform. As a result, a number of cities chartered out of the Sunday sales and holiday sales prohibitions in the Act. He briefly went over the activities of the interim committee and the recommendations as outlined in the report. **SB 305** is the bill covering the interim committee's recommendations and was originally assigned to Senate Judiciary.

Chairman Vratil announced that **SB 305** might possibly be referred to the Senate Federal and State Affairs Committee, but if it remains in this committee he planned to schedule a hearing on it within the next two weeks and work the bill early in the session.

The Chair adjourned the meeting at 10:30 a.m. The next scheduled meeting is January 15, 2004.