

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February 10, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Jeff Jack- excused  
Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes  
Diana Lee, Revisor of Statutes  
Jerry Ann Donaldson, Kansas Legislative Research Department  
Cindy O'Neal, Secretary

Conferees appearing before the committee:

Judge Stephen Tatum, Chief Judge 10<sup>th</sup> Judicial District, Johnson County  
Kathy Porter, Office of Judicial Administration  
Representative Larry Campbell  
Representative David Huff  
Steve Sloan, Midwest Minerals, Pittsburg, Kansas  
Woody Moses, Kansas Aggregate Producers Association  
Leslie Kaufman, Kansas Cooperative Council  
Representative Paul Davis  
Pat Scalia, Kansas Board of Indigent Defense  
Kathleen Ambrosio, Kansas Association of Criminal Defense Lawyers  
Ed Collister, Douglas County Defense Bar

The hearing on **HB 2614 - counties may pay district magistrate judges supplemental salary**, was opened.

Judge Stephen Tatum, Chief Judge 10<sup>th</sup> Judicial District, Johnson County, appeared before the committee as a proponent of the bill. 1995 was the last time a position was created for district court judges. Since that time there have been three district magistrate judge positions created. District magistrate judges make half as much as district court judges and less than hearing officers on a per hour basis. Municipal judges who serve in Olathe and Overland Park make between \$80 to \$90K a year. About thirty district magistrate judges supplement their salaries by serving as municipal court judges. The proposed bill would require no expenditures by the state, but simply allow communities across the state to supplement the salary of their district magistrate judges. ([Attachment 1](#))

Johnson County currently uses Senior Judges and some pro-tem's to handle the caseload. It struck the committee as odd that they can hire pro-tem's but can't pay additional salaries for district magistrate judges.

Kathy Porter, Office of Judicial Administration, appeared as an opponent of the bill because it would create different classes of district magistrate judges. The salary of a district magistrate judge would not be based on workload but on whether the county wants to or can pay more for one. ([Attachment 2](#))

A committee member pointed out that currently the courts are making a distinction between judges, those who work in urban area are hearing more cases for the same amount of salary that a rural judge gets for having a lesser caseload. If the courts don't want local units of governments to be able to supplement salaries then they need to adjust the workload.

The hearing on **HB 2614** was closed.

The hearing on **HB 2678 - increasing claim limit in small claims from \$1,800 to \$4,00**, was opened.

Representative Larry Campbell, appeared as the sponsor of the bill which would increase the amount that can be filed in a small claims court. This change would allow more people to access the court system and lower the number of crowded judicial dockets. ([Attachment 3](#))

## CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 10, 2004 in Room 313-S of the Capitol.

Representative David Huff appeared as a proponent of the bill. The last change to increase the amount that can be filed in small claims court was done in 1994 and the proposed bill would take into consideration of current market adjustments. (Attachment 4)

Steve Sloan, Midwest Minerals, & Woody Moses, Kansas Aggregate Producers Association, appeared in support of the proposed bill. Small claims courts offer valuable legal service to those who don't have the finances to access regular court services. (Attachments 5 & 6)

Leslie Kaufman, Kansas Cooperative Council, appeared as a proponent of the bill and suggested an amendment increasing the number of times per year an entity can file in small claims court. (Attachment 7)

Pawnee County Coop Association provided written testimony in support of the bill. (Attachment 8). Kansas Bar Association provided written testimony in opposition of the proposed bill. (Attachment 9)

The hearing on **HB 2678** was closed.

The hearing on **HB 2616 - compensation for attorneys representing indigent defendants, \$80 per hour**, was opened.

Representative Paul Davis appeared as the sponsor of the proposed bill. The \$50 hourly compensation rate has not be raised since 1987 and is not enough to fairly compensate attorneys. The \$50 per hour can barely cover their overhead expenses. Most attorneys are not interested in taking these types of cases due to the compensation level being so low. (Attachment 10)

Pat Scalia, Kansas Board of Indigent Defense, stated that there are few private attorneys willing to accept felony defense appointed cases due to the compensation. The increase to \$80 per hour would allow \$40 per hour to go towards overhead with the additional being credited to the attorney. (Attachment 11)

Kathleen Ambrosio, Kansas Association of Criminal Defense Lawyers, agreed that it is not economically feasible to defend rape, murder and drug cases. The average amount a criminal defense attorney charges is \$190, with \$68 per hour going towards overhead. (Attachment 12)

Ed Collister, Douglas County Defense Bar, informed the committee that the \$50 cost of doing business in 1988 would be worth \$32.69 in 2003. It would take \$76.47 today to equal the \$50 compensation set in 1988. (Attachment 13)

The Kansas District Judges' Association and the Kansas Bar Association both supported the proposed bill in written testimony. (Attachments 14 & 15)

The hearing on **HB 2616** was closed

### **HB 2554 - amendments to the Kansas Power of Attorney Act**

Representative Long-Mast made the motion to report HB 2554 favorable for passage. Representative Loyd seconded the motion. The motion carried.

The committee adjourned at 4:45 p.m. The next meeting was scheduled for February 11, 2004.