

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 15, 2006 in Room 313-S of the Capitol.

All members were present except:
Michael Peterson- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:
Senator Tim Huelskamp
Kathy Porter, Office of Judicial Administration
Carol Green, Clerk of the Appellate Courts
Randall Allen, Kansas Association of Counties
Jim Clark, Kansas Bar Association
Patricia Scalia, Kansas Board of Indigent Defense
Rich Gannon, Kansas Press Association
Mike Merriam, General Council, Kansas Press Association
Tim Mulcahy, Director of Justice Information Management Systems
Frank Denning, Johnson County Sheriff
Ed Peterson, Johnson County Commissioner
Doug Smith, Kansas Credit Attorney Association
Paul Morrison, Johnson County District Attorney Association
District Judge Meryl Wilson, 21st Judicial District, Manhattan
District Magistrate Judge Timarie Walters, 20th Judicial District, St. John
District Judge Richard Smith, 6th Judicial District, Mound City

Chairman O'Neal opened the hearings on **SB 419 - statements of substantial interest; filing required for certain officers and employees of the judicial branch.**

Senator Tim Huelskamp appeared as the sponsor of the bill. Current law exempts judicial branch employees from filling out and filing a Statement of Substantial Interest form for public review. The proposed bill would require Supreme Court Justices, Court of Appeals Judges, members of the Commission on Judicial Qualifications, members of the Supreme Court Nominating Commission, law clerks assigned to an appeals judge or justice and any appellate nonjudicial court employee that performs specific duties. (Attachment 1)

Kathy Porter, Office of Judicial Administration, informed members that there is a Supreme Court Rule that requires all judges fill out a financial disclosure, which is on file in the Clerk of the Appellate Courts. The records are available for public review. Therefore, she saw no need to change what is currently being done. (Attachment 2)

Carol Green, Clerk of the Appellate Courts, stated that the only time she would notify a judge or justice that someone requested to review their disclosure form is if she felt there was a security threat.

The hearing on **SB 419** was closed.

The hearing on **SB 407 - courts; increasing juror's fees;** was opened.

Randal Allen, Kansas Association of Counties, appeared as a proponent of the bill which would increase the compensation a juror receives to between \$10 - \$50 per day, depending on what each county wanted to pay. (Attachment 3)

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Jim Clark, Kansas Bar Association, supported the pay increase, because it would not be a mandate and would be done at the discretion of the board of county commissioners. ([Attachment 4](#))

Kansas Trial lawyers Association did not appear before the committee but requested their written testimony in support of the bill be included in the committee minutes. ([Attachment 5](#))

The hearing on **SB 407** was closed.

The hearing on **SB 505 - electronic access to court records; exemption from fees**, was opened.

Patricia Scalia, Kansas Board of Indigent Defense, appeared in support of the bill. She explained that the bill would allow free electronic access to court records if the defendant is indigent. The Board of Indigent Defense could not afford the proposed \$2.00 fee per access that has been discussed between the Court and INK. That amount would cost them \$17,000 annually. ([Attachment 6](#))

Kathy Porter did not oppose the bill but was concerned because most judicial districts do not have electronic access to their records. ([Attachment 7](#))

Rich Gannon, Kansas Press Association, appeared to request an amendment which would make probable cause affidavits submitted in support of arrest warrants open to the public. ([Attachment 8](#))

Mike Merriam, General Council, Kansas Press Association, explained that *State v. Stauffer* triggered the statutory closing of arrest warrant affidavits. False affidavits have resulted in numerous cases since that time and he believes that this amendment would hold the affidavits accountable. ([Attachment 9](#))

The hearing on **SB 505** was closed.

The hearing on **SB 337 - compensation for certain judicial branch employees, docket fees; electronic access to court records**, was opened.

Tim Mulcahy, Director of Justice Information Management Systems, explained that the bill expands the purpose for which money could be expended from the Judiciary Technology Fund to include the operation and maintenance of a statewide system of electronic access to court records. There would be an increase in docket fees to fund the system. ([Attachment 10](#))

Frank Denning, Johnson County Sheriff, informed the committee that Johnson County has established the Justice Information Management System (JIMS) as their central computer repository for district court records. These records are available at no cost when they are accessed. The bill proposes a \$75.00 registration fee and a \$2.00 per-search fee for each record. It would have a negative impact on daily operations for the Sheriff's Office. ([Attachment 11](#))

Ed Peterson, Johnson County Commissioner, commented that the JIMS cost \$4 million to set up and another \$2 million each year to maintain. He strongly discouraged a user fee for those individuals wanting to access court records via the internet. ([Attachment 12](#))

Jim Clark, Kansas Bar Association, appeared in support of free electronic access to court records but opposed a docket fee to help set the program up. ([Attachment 13](#))

Doug Smith, Kansas Credit Attorney Association, was concerned with the docket fee generating \$3.2 million dollars that would go towards the development of the system and wondered what would happen to that money once the system was up and running. ([Attachment 14](#))

Paul Morrison, Johnson County District Attorney Association, informed the committee that their website received a quarter of a million "hits" last year. ([Attachment 15](#))

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Kathy Porter, Office of Judicial Administration, liked the docket fee to expand technology but was concerned that it was at the expense of raising judges salaries. (Attachment 16)

District Judge Meryl Wilson, 21st Judicial District, Manhattan, requested that the committee amend the bill back to its original form providing for a \$9,000 salary increase for district judges and district magistrate judges. (Attachment 17)

District Magistrate Judge Timarie Walters, 20th Judicial District, St. John, informed the members that the national median salary for district magistrate judges is \$99,00 and Kansas district magistrate judges are currently receiving \$50,000. Kansas is ranked 31st in judges salaries. (Attachment 18)

District Judge Richard Smith, 6th Judicial District, Mound City, explained that the proposed increase in the docket fee would raise \$3,197,417 with the cost of the judicial salary initiative being \$2,970,297. Some docket fees would be raised as little as \$2.00 and other as much as \$39.00. Even with the increase in docket fees, Kansas' fees would still be less than surrounding states. (Attachment 19)

The hearing on **SB 337** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for 3:30 p.m. on March 16, 2006 in room 313-S.