

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Vice Chairperson Ward Loyd at 3:30 p.m. on January 29, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused
Representative Doug Patterson - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Kathy Olsen, Kansas Bankers Association
Paul Davis, Kansas Bar Association
Chief Judge Pat McAnany, 10th Judicial District
Ed Hund, Wichita Bar Association
Terry Humphrey, Kansas Trial Lawyers Association
Randy Allen, Executive Director Kansas Association of Counties
Mike Pepoon, Sedgwick County
Vern McKinzie, Lyon County Commissioner
Kathy Porter, Office of Judicial Administration
Helen Pedigo, Deputy General Counsel and Legislative Advisory to the Governor

Vice Chairperson Loyd entertained requests for bill introductions.

Kathy Olsen, Kansas Bankers Association, requested a bill that would amend K.S.A. 61-3003 relating to the service of process on garnishments by requiring one fax number or e-mail address being designated where the garnishments would be sent. (Attachment 1)

Representative Long made the motion to have the request introduced as a committee bill. Representative Crow seconded the motion. The motion carried.

Representative Long requested a bill that would close loopholes in the identity theft statute. She made the motion to have the bill introduced. Representative Swenson seconded the motion. The motion carried.

Representative Loyd received a request that would make it a crime for tampering with pipelines & theft of natural gas, crude oil, petroleum, or any anhydrous ammonia . He made the motion to have the request introduced as a committee bill. Representative DiVita seconded the motion. The motion carried.

Hearings on **HB 2085 - Increasing juror compensation to \$25 for first five days, \$50 for any days thereafter**, were opened.

Ed Hund, Wichita Bar Association, explained that the proposed legislation was a result of a three year study by the Wichita Bar Association which was based upon responses from a survey that persons summoned for jury who do not have the support of their employers suffer financial hardship when summoned to served. Most employers support four or five days on a jury panel but after that the employee has to use their own resources. While there is never a good time to increase rates, it needs to be done. Especially when one considers that with inflation jury pay should be \$44.57. (Attachment 2)

Chairman O'Neal suggested that maybe those called for jury duty could be paid \$10 for the first two days and then raise the amount they receive thereafter. Mr. Hund stated that whether one serves or not they should be paid to be at the courthouse all day and should be compensated at a higher rate for that time spent.

Paul Davis, Kansas Bar Association, agreed that there needs to be increases in jury compensation and the committee should look at alternative ways to do those increases as not to burden the counties. He told the committee that Federal court pay \$40 a day. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on January 29, 2002 in Room 313-S of the Capitol.

Chief Judge Pat McAnany, 10th Judicial District, stated that two thirds of their annual budget for juror fees goes to those not selected to serve on the jury panel and suggested that maybe since it's our civic duty to serve on a jury, that the first day should be served without pay. He supported increasing the juror fees and hoped that the increase could be made in a revenue-neutral manner. ([Attachment 4](#))

Terry Humphrey, Kansas Trial Lawyers Association, commented that juries have a very extremely important job and should be compensated for it. The last increase in jurors rates was in 1971 from \$5 to \$10. ([Attachment 5](#))

Kathy Porter provided the committee with a report from the Bureau of Justice Statistics regarding State Court Organization ([Attachment 6](#)), which shows what other states do in regard to paying jury fees and how much they pay. Colorado, Connecticut, and Massachusetts had the employer pay for the first three to five days and then the court pay for the rest.

Randy Allen, Executive Director Kansas Association of Counties, appeared before the committee to express his opposition to the bill. He is concerned about costs to the counties. The increase would add to the county budgets and require possibly increases in property taxes to pay for the increase in fees. He requested that if the bill be passed that the effective date be changed to January 2003, due to the fact that counties have already set their budgets for fiscal year 2002. ([Attachment 7](#))

Mike Pepoon, Sedgwick County, informed the committee that Sedgwick County spent \$284,327 for jury per diem last year, with 328 jurors serving more than five days and 66 serving more than 10 days. This cost included \$20 for compensation, plus Sedgwick County pays for meal and parking. He estimated that it cost around \$40,000 - \$45,000 per year for meals and parking. ([Attachment 8](#))

Vern McKinzie, Lyon County Commissioner, appeared in opposition of the bill. In 2001 Lyon County paid approximately \$35,875 in compensation and mileage. If the proposed amounts were to become law he estimated that they would have paid \$87,500 in 2001. ([Attachment 9](#))

Written testimony was provided by Ashley Sherard, Office of the County Manager, Johnson County, in opposition to the bill ([Attachment 10](#))

Hearings on **HB 2085** were closed.

Hearings on **HB 2620 - Elimination of mandatory retirement for judges**, were opened.

Kathy Porter, Office of Judicial Administration, appeared before the committee in support of the proposed bill which would delete the mandatory retirement age for judges. She commented that they would also support the retirement age being set at age 75 ([Attachment 11](#)).

Chief Judge Pat McAnany, 10th Judicial District, confirmed that the Kansas District Judges Association was in support of the bill and would like no age limit set for the judges. He commented that it was highly unlikely that anyone would serve till the age of 75.

Helen Pedigo, Deputy General Counsel and Legislative Advisory to the Governor, stated that she has an understanding that the Governor is opposed to the bill and requested that the committee not take action until she checks his position on it.

Vice-Chairman Loyd announced that the hearings would remain open for the purpose of receiving the Governor's position on the bill.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for January 30, 2002.