

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on February 14, 2006, in Room 123-S of the Capitol.

All members were present,
David Haley arrived, 9:38 a.m.
Terry Bruce arrived, 9:41 a.m.

Committee staff present:
Mike Heim, Kansas Legislative Research Department
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:
Senator Nick Jordan
Hon. Michael Freelove, Magistrate Judge, 6th Judicial District
Hon. Richard Smith, Chief Judge, 16th Judicial District
Hon. Meryl Wilson, District Judge, 21st Judicial District
Bill McKean
Doug Smith, Kansas Credit Attorney's Association
Pat Scalia, Kansas State Board of Indigent's Defense
Kathy Porter, Kansas Judicial Branch
Whitney B. Damron, Kansas Information Consortium

Others attending:
See attached list.

The hearing on **SB 493--Economic development; eminent domain; procedure; compensation** was opened.

Senator Nick Jordan appeared in support of the bill which was also referred to the Commerce Committee (No written testimony). Senator Jordan provided background and briefed the committee on the bill.

The hearing on **SB 493** was closed.

The hearing on **SB 337--Compensation for certain judicial branch employees, docket fees** was opened.

Judge Michael Freelove spoke in support of the bill comparing current jurisdictions and salary to other states (Attachment 1). He indicated that magistrate judges' salaries are well below the national median and provided copies of a report on Kansas judicial salaries (Attachment 2).

Judge Meryl Wilson testified in support indicating judicial compensation should attract and retain able, experienced attorneys to the bench (Attachment 3).

Judge Richard Smith appeared in support and presented information on funding **SB 337** through increased docket fees (Attachment 4).

Bill McKean spoke in opposition relating personal experiences with the judiciary and requested **SB 337** be tabled (Attachment 5).

Doug Smith appeared in opposition stating concern on proposed docket fee increases (Attachment 6). He encouraged the committee to consider making a policy change concerning the use and disbursement of docket fees. Mr. Smith also pointed out that the proposed docket fee increase would generate an estimated one million dollars more than is needed for the salary increases creating an overall windfall to the general fund.

There being no further conferees, the hearing on **SB 337** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on February 14, 2006, in Room 123-S of the Capitol.

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

Pat Scalia spoke in support stating the Board of Indigent Defense has a statutory duty to provide counsel to indigent persons accused of felonies (Attachment 7). Ms. Scalia requested the agency be exempt to the proposed access fees. Defense Services also requested changing Section 3 (a) and Section 3 (f) to state "An attorney ... who is appointed by the court to perform services for an indigent person..". This would eliminate the potential problem of any attorney receiving free access rather than limiting it to court appointed attorneys.

Kathy Porter appeared in opposition indicating for the same reasons presented on **SB 353** (Attachment 8). It would hinder the Supreme Court's coordinated effort to enhance statewide equity, uniformity, efficiency, and effectiveness in the Judicial Branch. The Supreme Court is attempting to establish statewide Internet access to court records through a fee-based system but expressed concern that Section 4(a)(3) of **SB 505** would prohibit INK (Information Network of Kansas) from entering agreements which may result in the charging of fees.

Whitney Damron spoke in opposition because **SB 505** would prohibit INK from contracting to provide for access to such records for a fee (Attachment 9). He voiced concern that the language would have unintended consequences with respect to the Registered Sex Offender Search, Kansas Criminal History Record Check, and sale of motor vehicle records.

There being no further conferees, the hearing on **SB 505** was closed.