

Approved: February 3, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 19, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Geraldine Flaharty - excused
Representative Phill Kline - excused
Representative Tony Powell - excused
Representative Candy Ruff - excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Kathy Porter, Office of Judicial Administration
Honorable Patrick Brazil, Chief Judge, Kansas Court of Appeals
Paul Davis, Kansas Bar Association
Bill Pauzauskie, Kansas Trial Lawyers Association

The Committee entertained three requests for bill introductions.

, A request from the Geary County Attorney dealing with time limitations for filing appeals in 1507 actions, which are usually filed by inmates. It would place a one year statute of limitations on those filings.

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

, A request that would make it clear that business transactions would not be considered a consumer transaction in the Consumer Protection Act.

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

, A change in the Code of Civil Procedure for domestic relations, in the divorce section on property division. So the Court could take into account the failure of one party to perform a material duty or obligation.

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

, A request to develop a procedure relating to the collection of information on traffic stops for the purpose of racial profiling.

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

Hearings on **HB 2600 - exclusions to jury service**, were opened.

Kathy Porter, Office of Judicial Administration, informed the committee that there are only two districts, the at 15th & 27th, in which excusing a juror for one year after service is not the practice. Many districts have jurors serving for a three month period. Once a juror is picked to serve on a jury, they are then excused for a period of year. A majority of the districts practice "one day-one trial", in which jurors are called to serve for one day or the duration of a trial. (Attachment 1)

Chairman O'Neal expressed concern that in the 27th Judicial District jurors serve on a panel for a period of

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three months, whether or not they are picked to serve on a jury. In one summer, he had several trials in which the same people were on the jury.

Hearings on **HB 2600** were closed.

Hearings on **HB 2601 - increase in Court of Appeals to 14 judges**, were opened.

Honorable Patrick Brazil, Chief Judge, Kansas Court of Appeals, appeared before the committee as a proponent of the bill. He informed the members that the Kansas Court of Appeals was re-established in 1977 with seven judges.

In 1983, the Judicial Council Appellate Process Advisory Committee found that the Court was overloaded with 1,067 cases filed in 1983 and wrote 80 opinions. The Advisory Committee recommended that no more than 75 opinions should be written in a year. In 1999 the Court wrote 100 opinions. Three judges were added in 1987, by then their caseload had risen to 1,128 cases. Due to Sentencing Guideline, in 1997 the caseload expanded to 2,260. The three additional judges has helped but has not kept up with the number of new cases being filed. The Court uses senior, retired judges, and current district judges to help with the caseload. The Court is asking for an additional four judges plus appropriate staff & space. ([Attachment 2](#))

Paul Davis, Kansas Bar Association, appeared in support of the bill. He stated that more judges are needed in order to address the appeals in a timely manner and reduce the number of retired and district judges being used. ([Attachment 3](#))

Bill Pauzauskie, Kansas Trial Lawyers Association, also appeared as a proponent. He commented that a case on appeal should not have to wait for one to two years in order to get a decision. With the addition of four new judges they should be resolved in an appropriate amount of time. ([Attachment 4](#))

Hearings on **HB 2601** were closed.

Hearing on **HB 2372 - retirement system for justices & judges, retirement age**, were opened.

Kathy Porter, Office of Judicial Administration, appeared before the committee in support of the bill. She explained that the retirement age for judges is somewhat of a lottery. While the law states that they must retire at age 70, they are allowed to finish serving their term out. This makes some judges retire at age 70 while others can serve till age 76. The proposed bill would provide for the uniformity of retirement age. She requested an amendment that would make the bill effective upon publication in the Kansas Register. ([Attachment 5](#))

Hearings on **HB 2372** were closed.

The committee meeting adjourned at 4:45 p.m. The next meeting is scheduled for January 20, 2000