

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on March 9, 2011, in Room 346-S of the Capitol.

All members were present except:
Representative Ward

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Tim O'Sullivan, Kansas Bar Association
Helen Pedigo, Special Counsel to Chief Justice
Larry Baer, Assistant General Council, League of Municipalities
Debbie Poire, Clerk of District Court, Coffey County
Douglas E. Smith, Kansas Credit Attorneys Association

Others attending:

See attached list.

HB 2087 - Concerning the protection of rights granted under the constitution

Representative Ryckman made the motion to pass HB 2087 favorably. Representative Osterman seconded the motion.

Representative Rubin made the substitute motion to amend to insert the word "foreign" on page 1, line 19 and page 2, line 5 to read "any foreign law", and on page 1, line 23 to read "a foreign law", and on page 1, line 27 to read "the foreign law". Representative Osterman seconded the motion. Motion carried.

Representative Ryckman made the motion to pass HB 2087 favorably as amended. Representative Osterman seconded the motion. Motion carried.

The Hearing on **SB 97 - Concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund** was opened.

Matt Sterling, Assistant Revisor of Statutes, provided an overview for the committee. ([Attachment 1](#))

Helen Pedigo, Special Counsel to Chief Justice, addressed the committee in support of the bill, which would strike the sunset on the Judicial Branch Surcharge, which is currently scheduled to end June 30, 2011. She explained the history of the surcharge and that the surcharge is a method through which additional fees can be generated, for the specified time period, and will take the place of State General Fund financing for the Judicial Branch. She also stated the original bill provided for a June 30, 2012 sunset, however the Senate Judiciary Committee struck the sunset in its entirety. ([Attachment 2](#))

Joseph Molina, Kansas Bar Association provided written only testimony in support of the bill. ([Attachment 3](#))

Douglas E. Smith, Kansas Credit Attorneys Association, provided written only testimony in opposition of the bill. ([Attachment 4](#))

The hearing on **SB 97** was closed.

The Hearing on **SB 36 - Exemption from creditors for assets held in qualified retirement plans and regular and Roth individual retirement accounts** was opened.

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on March 9, 2011 in Room 346-S.

Tamera Lawrence, Assistant Revisor of Statutes, provided an overview for the committee.

Tim O'Sullivan, on behalf of the Kansas Bar Association (KBA), addressed the committee in support of the bill which amends K.S.A. 60-2308. He stated the bill was proposed by the KBA Real Property, Probate and Trustee Section, approved by the KBA Legislative Committee, and then subsequently approved by the KBA Board of Governors. He provided further explanation of the bill that would update the exemptions from creditors provided for individual retirement accounts or account plans to include plans added to the federal Internal Revenue Code since the exemptions were originally enacted. The bill would clarify that inherited retirement accounts are also exempt from creditors. The bill also would make technical amendments to clarify references to the federal Internal Revenue Code. (Attachment 5)

There were no opponents.

The hearing on **SB 36** was closed.

Vice-Chair Patton took over the meeting as Chairman Kinzer excused himself to attend another appointment.

The Hearing on **SB 79 - Requiring the debt set-off collection assistance fee to be an additional cost to all debts owed to the court** was opened.

Tamera Lawrence, Assistant Revisor of Statutes, provided an overview for the committee.

Doug Smith, presented testimony on behalf of John Miller, Norton County Commissioner and President of Kansas Legislative Policy Group (KLPG), in support of the bill and also offered an amendment to the bill. (Attachment 6)

Debbie Poire, Clerk of District Court, Coffey County District Court, addressed the committee in support of the bill on behalf of the Kansas Association of District Court Clerks and Administrators (KADCCA), with the amendment to provide that the debt set-off collection assistance fee be paid as an additional cost for all debts owed to the court when a debt set-off procedure is utilized. She stated under the current law, the 17 percent debt set-off collection assistance fee is paid from the amount collected, making the amount remitted to the court 17 percent less than the debt owed. She stated the KADCCA asks that the debt set-off collection assistance fee be identical to the debt collection fee authorized in K.S.A. 75-719, which is "the cost of collection shall be paid from the amount collected, but shall not be deducted from the debts owed to the courts or restitution. (Attachment 7)

Larry Baer, Assistant General Council, League of Municipalities, provided testimony in support of the bill. (Attachment 8)

There were no opponents.

The hearing on **SB 79** was closed.

The next meeting is scheduled for March 10, 2011.

The meeting was adjourned at 5:15 p.m.