

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:32 A.M. on January 18, 2007, in Room 123-S of the Capitol.

All members were present except:

Donald Betts arrived, 9:33 A.M.  
Barbara Allen arrived, 9:35 A.M.  
Dwayne Umbarger arrived, 9:37 A.M.  
Les Donovan- excused  
David Haley- absent

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department  
Bruce Kinzie, Office of Revisor of Statutes  
Nobuko Folmsbee, Office of Revisor of Statutes  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Nancy Ralston, Kansas Department of Revenue  
Richard Hayse, Kansas Bar Association  
Marilyn Harp, Kansas Legal Services  
Terry Humphrey, Kansas Trial Lawyers  
Sandy Barnett, Executive Director, Kansas Coalition Against Sexual & Domestic Violence  
Eileen Doran, Executive Director, Battered Women's Task Force  
Dr. Howard Rodenberg, Director of Health, KDHE  
Dr. Paul Harrison, Chair, Advisory Committee on Trauma  
Dan Gibb, Assistant Attorney General  
Lynn Jenkins, Board President, Topeka YMCA  
Lois Rice, Executive Director, CASA  
Mark Gleeson, Office of Judicial Administration  
Jerry Slaughter, Executive Director, Kansas Medical Society  
Susan Bumsted, RN, Kansas State Nurses Association  
Randy Rogers, Kansas Sheriff's Association  
Maureen Mahoney, Guardian ad litem, Wyandotte County  
Heather Morgan, Director of Public & Legislative Affairs, Juvenile Justice Authority

Others attending:

See attached list.

The Chairman opened the hearing on **SB 35–DUI, computation of time to request administrative hearing.**

Senator Journey testified in support, indicating that the current law's application of time limits does not take into consideration weekends and legal holidays when state offices are closed (Attachment 1). Enactment would bring the hearing request requirement into line with other time limits for requesting hearings, appeals, or other legal action.

Nancy Ralston spoke as a proponent, but suggested additional changes in K.S.A. 8-1020 should be made to be consistent with the proposed changes in K.S.A. 8-102(v) (Attachment 2). Ms. Ralston provided copies of the proposed changes to the committee.

There being no further conferees, the hearing on **SB 35** was closed.

Chairman Vratil opened the hearing on **SB 17–Docket fees; eliminating certain funds from receiving part of docket fees.**

Richard Hayse appeared in support, stating it was the Kansas Bar Association's stance that docket fees should be used only for expenses of the judicial branch (Attachment 3). Mr. Hayse urged the committee and the Legislature to reduce the amount of docket fees in proportion to the non-judicial fund allocations eliminated by **SB 17**.

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Marilyn Harp spoke in favor, indicating **SB 17** would continue to support the Access to Justice fund ([Attachment 4](#)).

Terry Humphrey appeared as a proponent, in support of targeting docket fee funds towards programs relating to the operation of the court system and to fund the deleted programs through the State General Fund ([Attachment 5](#)).

Sandy Barnett appeared in opposition, urging the committee to consider the negative consequences that would result due to a loss of funds from docket fees ([Attachment 6](#)).

Eileen Doran spoke in opposition, stating the funding received from docket fees is critical to her organization ([Attachment 7](#)).

Dr. Howard Rodenberg, opponent, provided the committee with information relating to the Kansas Trauma Fund ([Attachment 8](#)). Dr. Rodenberg indicated funding is received from the docket fees placed on moving violations. This funding strategy was developed by the 1999 legislature since dangerous driving behaviors were the prime source of major trauma in the state. The trauma fund is dependent on stable, dedicated, uninterrupted funding. He urged continued support.

Dr. Paul Harrison spoke in opposition to removing the Kansas Trauma Fund from support by docket fees ([Attachment 9](#)). Dr. Harrison briefed the committee on the development, current status, and future goals of the trauma system urging the committee to reconsider elimination of funding through docket fees.

Dan Gibb testified in opposition on behalf of the Attorney General Morrison, which administers several funds that are recipients of court docket fee revenue([Attachment 10](#)). The Attorney General believes these programs need a reliable funding stream without the uncertainty of the annual appropriation process.

Lynn Jenkins appeared in opposition, indicating **SB 17** would eliminate funding of supervised child visitation and exchange centers without any provisions for replacing funding ([Attachment 11](#)).

Lois Rice spoke in opposition, providing information on the CASA (Court Appointed Special Advocate) program ([Attachment 12](#)). Ms. Rice urged that the funding for this program would be jeopardized with the passage of **SB 17**.

Mark Gleeson appeared in opposition, stating concern for the possible loss of funding for the Permanent Families Account and the CASA (Court Appointed Special Advocate) programs ([Attachment 13](#)). Mr. Gleeson also indicated that the implementation date of July 1, 2007, would not allow targeted programs time to adjust their budgets or raise additional funds.

Jerry Slaughter spoke in opposition to the portion of **SB 17** which would remove the principal source of financial support of the Kansas Trauma Program ([Attachment 14](#)). Mr. Slaughter stressed that docket fees are received only from moving violations because motor vehicle accidents are the leading cause of death and disability and urged the committee to reconsider eliminating docket fee funding.

Susan Bumsted testified in opposition, urging the committee to reconsider docket fees regarding the Kansas Trauma Program ([Attachment 15](#)).

Randy Rogers, an opponent, provided the committee with information on the Kansas Law Enforcement Training Center which is currently funded through docket fees ([Attachment 16](#)). Mr. Rogers feels that the Center is too important to remove its current funding system.

Maureen Mahoney spoke in opposition, relating her experiences with the CASA program and requested the committee continue funding through docket fees ([Attachment 17](#)).

Heather Morgan provided neutral testimony on the services provided through the Juvenile Detention Facilities Fund (JDFF) and the Kansas Delinquency Prevention Trust Fund (KDPTF) ([Attachment 18](#)). Currently, both funds are supported by docket fees. Ms. Morgan stated that elimination of existing funding would require

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the State General Fund to cover the costs of the JDFF and halt support of the KDPTF.

Written testimony in opposition to **SB 17** was submitted by:

Ed Klumpp, Kansas Association of Chiefs of Police ([Attachment 19](#))

Ed Pavay, Director, Law Enforcement Training Center ([Attachment 20](#))

Kyle Smith, Deputy Director, KBI ([Attachment 21](#))

Jan Stegelman, Safe Kids Kansas ([Attachment 22](#))

Chad Austin, Kansas Hospital Association ([Attachment 23](#))

Larry Pittman, President & CEO, Kansas Foundation for Medical Care, Inc. ([Attachment 24](#))

The Chairman stated that the purpose of **SB 17** was not to deny funding or imply that the deleted programs are not worthwhile, but should be subject to the same appropriations process that other programs that must submit to for appropriations each year.

Senator Goodwin commented that should these programs make their case to the Ways and Means Committee and House Appropriations Committee they may receive more money than they currently receive. An outstanding program that needs more money, may well receive it and not be limited to what is received from docket fees.

There being no further conferees, the hearing on **SB 17** was closed.

The meeting was adjourned at 10:32 A.M. The next scheduled meeting is January 19, 2007.