

Approved: August 25, 2011
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Vice-Chairman called the meeting to order at 9:41 A.M. on February 10, 2011, in Room 548-S of the Capitol.

All members were present, except Senator Donovan, who was excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Tamera Lawrence, Office of Revisor of Statutes
Theresa Kiernan, Committee Assistant

Conferees appearing before the committee:

Joe Molina, Kansas Bar Association (KBA)
Helen Pedigo, Special Counsel to the Chief Justice of the Kansas Supreme Court

Others attending:

See attached list.

The Vice-Chairman recognized Senator Lynn regarding a bill she previously had requested to be introduced.

Senator Lynn moved, Senator Bruce seconded, to withdraw her previous request for introduction of a bill relating to District Court Trustees and Title IV cases. The motion was adopted.

The Vice-Chairman called the committee's attention to information provided by Joe Molina in response to a question raised by Senator Vratil concerning the need for the "spendthrift trust" provision in **SB 36 -- Exemption from creditors for assets held in qualified retirement plans and regular and Roth individual retirement accounts.**

Senator Owens took the chair.

The Chairman opened the hearings on **SB 45--Trusts; certification of trust.**

Jason Thompson, Staff Revisor, reviewed the bill.

Joe Molina testified in support of **SB 45**, which was introduced at the request of the KBA (Attachment 2). The bill would delete the requirement that the certification of a trust certification contain the trust tax ID number. Once filed, the certification becomes a public record available to third parties. There are other ways to identify a trust that are more secure and also protect the privacy of trusts and trustees and decrease the possibility of identity theft.

No testimony in opposition to **SB 45** was offered.

The Chairman called the committee's attention to the fiscal note for **SB 45**.

The Chairman closed the hearings on **SB 45**.

The Chairman opened the hearings on **SB 79 -- Debt setoff; collection assessment fee.**

Jason Thompson, Staff Revisor, reviewed the bill.

Helen Pedigo offered testimony in support of the bill on behalf of Deborah Poire, Clerk of the Coffee County District Court (Attachment 3). She stated the bill would amend the Kansas Debt Setoff Law. She stated the bill would allow the collection assistance fee to be paid as an

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additional cost for debts owed to a court in the same manner as the collection fee authorized under K.S.A. 75-719.

Senator Kelly asked, "How much money will the court collect under the bill?"

Kent Olson, Director of Accounts and Reports, who administers the debt setoff program, stated he would provide additional information for committee.

No testimony in opposition to **SB 79** was offered.

The Chairman called the committee's attention to the fiscal note for **SB 79**.

The Chairman closed the hearings on **SB 79**.

The Chairman opened the hearings on **SB 83 -- Judges and justices; employment of retirants.**

Jason Thompson, Staff Revisor, reviewed the bill.

Helen Pedigo offered testimony in support of the bill (Attachment 4). She stated that the bill would provide greater flexibility in managing the Senior Judge Program by deleting the provisions that require a judge to enter into a written agreement for employment under the Program either before retirement or within 5 years after retirement and within 30 days prior to the judge's retirement anniversary date.

No testimony in opposition to **SB 83** was offered.

The Chairman called the committee's attention to the fiscal note for **SB 83**.

The Chairman closed the hearings on **SB 83**.

The Chairman opened the hearings on **SB 97 -- Courts; court fees and costs; judicial branch surcharge.**

Helen Pedigo offered testimony in support of the bill (Attachment 5). She stated the bill would extend the sunset on the Judicial Branch Surcharge from June 30, 2011 to June 30, 2012. The surcharge provides funding for the Judicial Branch from a source other than the state general fund.

Written testimony in support of **SB 97** was submitted by Joe Molina, Kansas Bar Association (Attachment 6).

No testimony in opposition to **SB 97** was offered.

The Chairman called the committee's attention to the fiscal note for **SB 97**.

The Chairman closed the hearings on **SB 97**.

Committee Action:

The Chairman called the committee's attention to **SB 45 -- Trusts; certification of trust.**

Senator Bruce moved, Senator Kelly seconded, that SB 45 be passed. The motion was adopted.

The Chairman called the committee's attention to **SB 60 -- Eliminating direct appeals to the supreme court for certain off-grid felonies.**

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The Chairman called the committee's attention to a copy of an email provided by Helen Pedigo in response to a question, relating to appeals from Jessica's Law cases in other states, raised by Senator Umbarger during the hearings on **SB 60** (Attachment 6).

Senator King moved, Senator Umbarger seconded, that **SB 60** be passed. The motion was adopted.

The Chairman called the committee's attention to **SB 62 -- Assessment of court costs under the Kansas standard asset seizure and forfeiture act.**

Senator Vratil moved, Senator Schodorf seconded, that **SB 62** be passed. The motion was adopted.

The Chairman called the committee's attention to **SB 97 -- Courts; court fees and costs; judicial branch surcharge.**

Senator Vratil moved, Senator Kelly seconded, that the sunset provision be deleted. The motion was adopted.

Senator King asked, "What are the consequences of making the surcharge a part of the docket fees?"

Helen Pedigo responded, "The proceeds of the surcharge goes to court personnel; proceeds of docket fees are not used for the same purpose. In addition, the court would receive less money because the court does not receive all of the proceeds of the docket fees."

Senator Vratil moved, Senator Umbarger seconded, that **SB 97** be passed as amended. The motion was adopted.

Meeting adjourned at 10:25 A.M. The next meeting is scheduled for February 11, 2011.