

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2039

As Amended by Senate Committee of the Whole

Brief*

HB 2039 as amended, would create law providing that district courts shall extend full faith and credit to orders, judgments, and other judicial acts of tribal courts of any federally recognized Indian tribe, pursuant to Kansas Supreme Court rules. Such recognition would be extended only to judgments of those tribal courts who grant full faith and credit to judgments of Kansas state courts. The bill would specify any person who files a tribal court judgment would be required to pay a docket fee as prescribed by continuing law in the Kansas Code of Civil Procedure, and that any additional fees or charges not specifically covered by such docket fee would be assessed as additional court costs in the same manner and extent as if the action had been originally filed in the court where the tribal court judgment is filed. The bill would also state that nothing in this section should be construed to be a waiver of the sovereign immunity of the State of Kansas or of a federally recognized Indian tribe.

Background

The bill was introduced by the House Committee on Judiciary at the request of the Kansas Judicial Council.

During the House Committee on Judiciary and Senate Committee on Judiciary hearings, a representative of the Kansas Judicial Council testified in support of the bill. The Kansas Bar Association and the Prairie Band Potawatomi Nation provided written-only testimony in support of the bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Proponents stated the bill would strengthen the relationship between state courts and tribal courts by providing certainty in judgments and encouraging collaboration. No neutral or opponent testimony was provided.

The House Committee amended the bill to include a provision recognizing the continued sovereign immunity of the State of Kansas and any federally-recognized Indian tribe.

The Senate Committee of the Whole amended the bill to specify any person who files a tribal court judgment would be required to pay a docket fee and any additional court costs pursuant to continuing law.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration states any fiscal effect resulting from the enactment of the bill would be negligible. Any fiscal effect associated with the bill is not reflected in *The FY 2020 Governor's Budget Report*.