

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:40am on Monday, February 16, 2015, 346-S of the Capitol.

All members were present except:

Senator Garrett Love – Excused

Senator David Haley – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department

Robert Allison-Gallimore, Legislative Research Department

Natalie Nelson, Legislative Research Department

Suzanne Nelson, Kansas Legislative Committee Assistant

Jason Thompson, Office of Revisor of Statutes

Conferees appearing before the Committee:

Judge Robert Fairchild, 7th Judicial District (Douglas County)

Kathy Armstrong, Assistant Director for Legal Services, KS Dept. for Children and Families;

Judge Merlin Wheeler, 5th Judicial District (Chase and Lyon Counties);

Shane Rolf, Bail Bondsman and Executive Vice President, KS Bail Agents Association;

Katy Nitcher, Douglas County District Court Trustee;

Jeff Chanay, Chief Deputy Attorney General;

Amanda Traun, Ellis County Clerk of the District Court;

Trisha Thomas, Director of Child Support Enforcement Services, KS Dept. for Children and Families;

Pam Moses, Reno County Clerk of the District Court;

Others in attendance:

[See Attached List](#)

Hearing on: SB104 — Courts; use of two-way electronic audio-visual communication.

Chair King began the meeting by informing the committee that three bill requests, two from Senator Holmes (on 2-3-15) regarding the impeachment process and on the underlying causes for impeachment, and one from the Department for Children and Families (DCF) (on 2-5-15) regarding child in need of care (CINC) and video appearances have been withdrawn. The request by DCF will be heard later today in the form of an amendment to **SB104**. The Chair asked for questions or objections. Seeing none, the requests are considered rescinded.

The Chair opened the hearing on **SB104** and asked Jason Thompson to present an explanation of the bill.

Chief Judge Robert Fairchild presented testimony and recommendations supporting the bill. He urged adoption of the bill which would reduce travel requirements for all courtroom participants; save prisoner and patient transportation costs; improve courthouse security; reduce cost of health care to prisoners and patients through telemedicine; reduce logistical barriers; provide access to training and

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educational opportunities; and increase the efficiency of legal proceedings. Fairchild part 1 of 2 ([Attachment 1](#)) Fairchild part 2 of 2 ([Attachment 2](#))

Kathy Armstrong presented testimony in support of **SB104** ([Attachment 3](#)) and also offered a balloon amendment ([Attachment 4](#)) which would allow two-way video proceedings in CINC cases and gives the court discretionary statutory authority to allow a child to testify via audio-visual telecommunications without mandating a personal appearance.

There was discussion and Judge Fairchild and Ms. Armstrong answered questions from the Chair and committee members regarding security and information technology (IT) recommendations (see Attachments 1 and 2 above).

Jason Thompson clarified that the Revisors would be making an amendment with technical changes regarding the juvenile offender code, which already allows this type of telecommunications, but refers to the process as "audio-video." Such language should be aligned in all the sections to use the new term, "audio-visual." Mr. Thompson indicated that this type of technical corrections would be the only other changes he anticipates to the bill.

There being no other testimony submitted and no other questions, the Chair closed the hearing on **SB104**.

Hearing on: SB140 — Relating to the forfeiture of appearance bonds.

Chairperson King opened the hearing on **SB140** and Jason Thompson gave an overview of the provisions of this bill relating to criminal procedure and forfeiture of appearance bonds.

Judge Merlin Wheeler appeared in support of **SB140**. This bill is a result of the Judicial Debt Collections Committee who studied and made enforcement recommendations in order to collect the debts owed to the courts. ([Attachment 5](#))

Shane Rolf appeared in opposition to the bill the way it is currently written. Mr. Rolf's main concern was language he thought was ambiguous. He proposed some alternate changes or modifications to **SB140** in the body of his written testimony. ([Attachment 6](#))

Judge Wheeler and Mr. Rolf answered questions from the committee.

There being no other testimony submitted at this time, and no other questions, the Chair closed the hearing on **SB140**.

Hearing on: SB183 — Collection of debts owed to courts.

The Chair opened the hearing on **SB183** and asked Jason Thompson to present an overview of the bill.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Judge Merlin Wheeler appeared in support of **SB183**. He related that this is another outcome from the work of the Judicial Branch Debt Collection Committee to enhance its collection of court-ordered debt. He spoke briefly about the debt set-off process, and then the collection on "no appearance" traffic tickets using a contract with a collection service. ([Attachment 7](#))

Katy Nitcher appeared in support of the bill, but predominantly is concerned about having to absorb the 17% collection fee. Ms. Nitcher's office has been collecting debts for the Kansas Attorney General's office since 1997. She discussed two scenarios in her written testimony that show how the change would negatively impact their office if they are not allowed to add the collection fee to the amount submitted for debt set-off. ([Attachment 8](#))

Jeff Chanay appeared in support of **SB183**. He suggested a balloon amendment within his written testimony removing the Attorney General's office from involvement and substituting the Office of Judicial Administrator or the Department of Administration in the court debt collection process. He also suggested moving the new statute to a new chapter of the statute books since Chapter 75, article 7 relates to the authority of the Attorney General. Mr. Chanay also related that the Attorney General's office supports the change Ms. Nitcher and the District Court Trustees across the state requested regarding the collection fee on top of the debt set-off amount. ([Attachment 9](#))

Amanda Traun appeared on behalf of the Kansas Association of District Court Clerks and Administrators (KADCCA) in support of **SB183**. In particular, Ms. Traun addressed the addition of the 17% collection fee to the amount submitted for debt set-off so there is a zero balance after the debt set-off is completed. She also supported a second change to clarify that any contracting agent approved by the Attorney General to collect debts owed to courts pursuant to K.S.A. 75-719 be permitted to establish an account directly with the Department of Administration for the purpose of recovering debt through the set-off program, which will save time and increase the number of court debts submitted for collection through debt set-off. ([Attachment 10](#))

Trisha Thomas presented neutral oral testimony on behalf of Child Support Services of DCF requesting that the bill be amended to exclude Title IV-D support enforcement cases from the change of charging the debtors the collection fee and their current process with Department of Administration be continued. ([Attachment 11](#))

There being no additional testimony submitted at this time, and no questions, the Chair closed the hearing on **SB183**.

Hearing on: SB184 — Civil procedure; judgments for court costs, fees, fines and restitution are never dormant.

Chair King opened the hearing on **SB184**. Jason Thompson gave an overview of the bill relating to the code of civil procedure and dormancy.

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Pam Moses appeared on behalf of the KADCCA in support of **SB184**, specifically the provisions to exempt court costs, fees, fines, and restitution from inclusion in the dormancy statute, K.S.A. 60-2403. ([Attachment 12](#))

There being no other testimony submitted at this time and no further questions, the hearing on **SB184** was closed.

Possible action on bills previously heard

There was no action taken today on bills previously heard.

The meeting was adjourned at 11:45am. The next meeting will be Tuesday, February 17, 2015 at 10:30am.