

## SENATE BILL No. 150

By Committee on Public Health and Welfare

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AN ACT concerning health care; establishing a spinal cord injury research fund and advisory committee; amending K.S.A. 28-172a and K.S.A. 2000 Supp. 12-4117 and 20-367 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. As used in this act:

- (a) "Advisory committee" means the spinal cord injury research advisory committee established pursuant to this act;
- (b) "fund" means the spinal cord injury research fund established pursuant to this act;
- (c) "physician" means a person licensed by the state board of healing arts to practice medicine and surgery;
- (d) "secretary" means the secretary of health and environment; and
- (e) "spinal cord injury research project" means an original investigation for the advancement of scientific or clinical knowledge in the area of spinal cord injuries.

New Sec. 2. (a) There is hereby established in the state treasury the spinal cord injury research fund which shall be administered by the secretary of health and environment. All moneys received from fees collected under K.S.A. 12-4214 and 28-172a, and amendments thereto, for the purpose of financing the activities and expenses of the secretary in administration of the spinal cord injury research act shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and such amount shall be credited to the spinal cord injury research fund. All expenditures from the spinal cord injury research fund shall be made for the purposes of this act and in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or such secretary's designee.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the spinal cord injury research fund, established in subsection (a), interest earnings based on:

1 (1) The average daily balance of money in the spinal cord injury re-  
2 search fund for the preceding month; and

3 (2) the net earnings rate of the pooled money investment portfolio  
4 for the preceding month.

5 New Sec. 3. (a) There is hereby established a spinal cord injury re-  
6 search advisory committee. The spinal cord injury research advisory com-  
7 mittee shall be advisory to the secretary and shall be within the division  
8 of health of the department of health and environment.

9 (b) The advisory committee shall be composed of seven members  
10 appointed by the secretary as follows:

11 (1) Three members shall be physicians, at least one of whom shall  
12 specialize or have expertise in the care of traumatic spinal cord injuries;

13 (2) one member shall be a representative of the university of Kansas  
14 school of medicine;

15 (3) one member shall be a licensed professional nurse specializing in  
16 spinal cord injury nursing care;

17 (4) one member shall be a representative of spinal cord injury asso-  
18 ciations or organizations; and

19 (5) one member shall be a representative of the department of health  
20 and environment.

21 All members shall be residents of the state of Kansas. When making  
22 appointments to the advisory committee, the secretary shall consider  
23 names submitted by interested organizations.

24 (c) Members appointed to the advisory committee shall be appointed  
25 for terms of three years, except for the initial appointments which will be  
26 staggered as determined by the secretary. They shall serve until their  
27 successors are appointed and qualified and at the pleasure of the secre-  
28 tary. In the case of a vacancy in the membership of the advisory com-  
29 mittee, the vacancy shall be filled for the unexpired term. All members  
30 appointed to fill vacancies in the membership of the advisory committee  
31 and all members appointed to succeed members appointed to the advi-  
32 sory committee shall be appointed in like manner as that provided for  
33 the original appointment of the member succeeded. Members shall be  
34 eligible for reappointment.

35 (d) The advisory committee shall meet at the call of the chairperson  
36 or at the request of any four members of the advisory committee. At the  
37 first meeting of the advisory committee after January 1 of each year, the  
38 members shall elect a chairperson and a vice-chairperson who shall serve  
39 a term of one year. The vice-chairperson shall exercise all of the powers  
40 of the chairperson in the absence of the chairperson.

41 (e) The first person appointed by the secretary to the advisory com-  
42 mittee shall call the first meeting of the advisory committee within two  
43 months after the full committee is appointed and shall serve as temporary

1 chairperson of the advisory committee until a chairperson and vice-chair-  
2 person are elected by the advisory committee at such meeting.

3 (f) The advisory committee shall be advisory to the secretary on all  
4 matters relating to the implementation and administration of this act.

5 (g) Members of the advisory committee attending meetings of the  
6 advisory committee shall not be paid compensation but shall be paid  
7 amounts provided in subsection (e) of K.S.A. 75-3223 and amendments  
8 thereto.

9 (h) The advisory committee shall make an annual report along with  
10 any recommendations the advisory committee deems appropriate to the  
11 secretary on or before January 1 of each year.

12 New Sec. 4. The secretary, after consultation with and consideration  
13 of recommendations from the advisory committee, shall:

14 (a) Develop rules and regulations necessary to carry out the provi-  
15 sions of this act;

16 (b) establish a process for the solicitation, review, selection and ap-  
17 proval of grants for spinal cord injury research projects from the fund  
18 established in section 2, and amendments thereto;

19 (c) apply for and accept any gifts, bequests or grants of money from  
20 the federal government or private entities which may be available for  
21 programs relating to research on spinal cord injuries;

22 (d) award grants from the fund to support spinal cord injury research  
23 projects within the state;

24 (e) prepare and submit an annual report to the legislature at the be-  
25 ginning of each legislative session; and

26 (f) enter into contracts as deemed necessary to carry out the duties  
27 and functions of the secretary under this act.

28 Sec. 5. K.S.A. 2000 Supp. 12-4117 is hereby amended to read as  
29 follows: 12-4117. (a) On and after July 1, 1996, in each case filed in  
30 municipal court charging a crime other than a nonmoving traffic violation,  
31 where there is a finding of guilty or a plea of guilty, a plea of no contest,  
32 forfeiture of bond or a diversion, a sum in an amount of ~~\$7~~ \$8 shall be  
33 assessed and such assessment shall be credited as follows:

34 (1) During the period commencing July 1, 1996, and ending June 30,  
35 1997, \$1 to the local law enforcement training reimbursement fund es-  
36 tablished pursuant to K.S.A. 74-5620 and amendments thereto, \$4 to the  
37 law enforcement training center fund established pursuant to K.S.A. 74-  
38 5619 and amendments thereto, \$.50 to the protection from abuse fund  
39 established pursuant to K.S.A. 74-7325 and amendments thereto and \$.50  
40 to the crime victims assistance fund established pursuant to K.S.A. 74-  
41 7334 and amendments thereto;

42 (2) on and after July 1, 1997, \$1 to the local law enforcement training  
43 reimbursement fund established pursuant to K.S.A. 74-5620 and amend-

1 ments thereto, \$2 to the law enforcement training center fund established  
2 pursuant to K.S.A. 74-5619 and amendments thereto, \$2 to the juvenile  
3 detention facilities fund established pursuant to K.S.A. 79-4803 and  
4 amendments thereto to be expended for operational costs of facilities for  
5 the detention of juveniles, \$.50 to the protection from abuse fund estab-  
6 lished pursuant to K.S.A. 74-7325 and amendments thereto and \$.50 to  
7 the crime victims assistance fund established pursuant to K.S.A. 74-7334  
8 and amendments thereto; ~~and~~

9 (3) on and after July 1, 1999, \$1 to the trauma fund established pur-  
10 suant to K.S.A. 2000 Supp. 75-5670, and amendments thereto; *and*

11 (4) *on and after July 1, 2001, \$1 to the spinal cord injury research*  
12 *fund established pursuant to section 2, and amendments thereto.*

13 (b) The judge or clerk of the municipal court shall remit at least  
14 monthly the appropriate assessments received pursuant to this section to  
15 the state treasurer for deposit in the state treasury to the credit of the  
16 local law enforcement training reimbursement fund, the law enforcement  
17 training center fund, the juvenile detention facilities fund, the crime vic-  
18 tims assistance fund, *the spinal cord injury research fund* and the trauma  
19 fund as provided in this section.

20 (c) For the purpose of determining the amount to be assessed ac-  
21 cording to this section, if more than one complaint is filed in the municipal  
22 court against one individual arising out of the same incident, all such  
23 complaints shall be considered as one case.

24 Sec. 6. K.S.A. 2000 Supp. 20-367 is hereby amended to read as fol-  
25 lows: 20-367. Of the remittance of the balance of docket fees received  
26 monthly by the state treasurer from clerks of the district court pursuant  
27 to subsection (f) of K.S.A. 20-362, and amendments thereto, the state  
28 treasurer shall deposit and credit to the access to justice fund, a sum  
29 equal to 6.05% of the remittances of docket fees; to the juvenile detention  
30 facilities fund, a sum equal to 3.36% of the remittances of docket fees;  
31 to the judicial branch education fund, the state treasurer shall deposit  
32 and credit a sum equal to 2.58% of the remittances of docket fees; to the  
33 crime victims assistance fund, the state treasurer shall deposit and credit  
34 a sum equal to .69% of the remittances of the docket fees; to the protec-  
35 tion from abuse fund, the state treasurer shall deposit and credit a sum  
36 equal to 2.07% of the remittances of the docket fees; to the judiciary  
37 technology fund, the state treasurer shall deposit and credit a sum equal  
38 to 5.23% of the remittances of docket fees; to the dispute resolution fund,  
39 the state treasurer shall deposit and credit a sum equal to .43% of the  
40 remittances of docket fees; to the Kansas juvenile delinquency prevention  
41 trust fund, the state treasurer shall deposit and credit a sum equal to  
42 1.53% of the remittances of docket fees; to the permanent families ac-  
43 count in the family and children investment fund, the state treasurer shall

1 deposit and credit a sum equal to .25% of the remittances of docket fees;  
 2 *to the spinal cord injury research fund, the state treasurer shall deposit*  
 3 *and credit a sum equal to 2% of the remittances of docket fees;* to the  
 4 trauma fund, a sum equal to 1.81% of the remittance of docket fees; and  
 5 to the judicial branch nonjudicial salary initiative fund, the state treasurer  
 6 shall deposit and credit a sum equal to 21.97% of the remittance of docket  
 7 fees. The balance remaining of the remittances of docket fees shall be  
 8 deposited and credited to the state general fund.

9 Sec. 7. K.S.A. 28-172a is hereby amended to read as follows: 28-  
 10 172a. (a) Except as otherwise provided in this section, whenever the pros-  
 11 ecuting witness or defendant is adjudged to pay the costs in a criminal  
 12 proceeding in any county, a docket fee shall be taxed as follows:

13 On and after July 1, 1998:

14 Murder or manslaughter .....	\$164.50
15 Other felony .....	146.00
16 Misdemeanor .....	111.00
17 Forfeited recognizance .....	62.50
18 Appeals from other courts .....	62.50

19 (b) (1) Except as provided in paragraph (2), in actions involving the  
 20 violation of any of the laws of this state regulating traffic on highways  
 21 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-  
 22 ments thereto), a cigarette or tobacco infraction, any act declared a crime  
 23 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-  
 24 notated and amendments thereto or any act declared a crime pursuant  
 25 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes  
 26 Annotated, and amendments thereto, whenever the prosecuting witness  
 27 or defendant is adjudged to pay the costs in the action, a docket fee of  
 28 \$54 shall be charged. When an action is disposed of under subsections  
 29 (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and  
 30 amendments thereto, whether by mail or in person, the docket fee to be  
 31 paid as court costs shall be \$54.

32 (2) In actions involving the violation of a moving traffic violation un-  
 33 der K.S.A. 8-2118, and amendments thereto, as defined by rules and  
 34 regulations adopted under K.S.A. 8-249, and amendments thereto, when-  
 35 ever the prosecuting witness or defendant is adjudged to pay the costs in  
 36 the action, a docket fee of \$54 shall be charged. When an action is dis-  
 37 posed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments  
 38 thereto, whether by mail or in person, the docket fee to be paid as court  
 39 costs shall be \$54.

40 (c) If a conviction is on more than one count, the docket fee shall be  
 41 the highest one applicable to any one of the counts. The prosecuting  
 42 witness or defendant, if assessed the costs, shall pay only one fee. Multiple  
 43 defendants shall each pay one fee.

1 (d) Statutory charges for law library funds, the law enforcement train-  
2 ing center fund, the prosecuting attorneys' training fund, the juvenile  
3 detention facilities fund, the judicial branch education fund, the emer-  
4 gency medical services operating fund, *the spinal cord injury research*  
5 *fund* and the judiciary technology fund shall be paid from the docket fee;  
6 the family violence and child abuse and neglect assistance and prevention  
7 fund fee shall be paid from criminal proceedings docket fees. All other  
8 fees and expenses to be assessed as additional court costs shall be ap-  
9 proved by the court, unless specifically fixed by statute. Additional fees  
10 shall include, but are not limited to, fees for Kansas bureau of investi-  
11 gation forensic or laboratory analyses, fees for detention facility process-  
12 ing pursuant to K.S.A. 2000 Supp. 12-16,119, and amendments thereto,  
13 fees for the sexual assault evidence collection kit, fees for conducting an  
14 examination of a sexual assault victim, fees for service of process outside  
15 the state, witness fees, fees for transcripts and depositions, costs from  
16 other courts, doctors' fees and examination and evaluation fees. No sheriff  
17 in this state shall charge any district court of this state a fee or mileage  
18 for serving any paper or process.

19 (e) In each case charging a violation of the laws relating to parking  
20 of motor vehicles on the statehouse grounds or other state-owned or  
21 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-  
22 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and  
23 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute  
24 the entire costs in the case, except that witness fees, mileage and expenses  
25 incurred in serving a warrant shall be in addition to the fee. Appearance  
26 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-  
27 ments thereto, shall be \$3, unless a warrant is issued. The judge may  
28 order the bond forfeited upon the defendant's failure to appear, and \$2  
29 of any bond so forfeited shall be regarded as court costs.

30 Sec. 8. K.S.A. 28-172a and K.S.A. 2000 Supp. 12-4117 and 20-367  
31 are hereby repealed.

32 Sec. 9. This act shall take effect and be in force from and after its  
33 publication in the statute book.

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