

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 25, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Senator Goodwin
Dale Goter, City of Wichita

Others attending:

See attached list.

Bill Introduction:

Senator Goodwin introduced two bills. (Attachment 1) The first bill's purpose is to change the title of "Persian Gulf War Initiative Act" to "Kansas Veterans Health Board," and the second bill is to change current law relating to the veterans' claims assistance program and service grant program to enlarge the advisory board from 3 to 4 members and setting out those veterans' service organizations who will have representation on the advisory board.

Senator Hensley made the motion that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Dale Goter requested a bill introduction for the Municipality of Wichita; the request has to do with collection of debts owed to municipal courts' restitution; contract for collection. (Attachment 2)

Senator Barnett made the motion that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Final Action:

SB 66 - Lottery; repeal of sunset; contract renewals; retailer requirement

Senator Vratil moved to amend the bill, to reinstate lines 37 through 39 on page 2; and on page 4 line 23 strike certificate and insert contract. Senator Brownlee seconded the amendment. The motion carried.

Senator Brownlee moved to pass SB 66 as amended. Senator Reitz seconded the motion. The motion carried.

SB 13 - Native American tribal law enforcement jurisdiction; liability insurance coverage, proof of; repealing sunset

The Revisor offered technical amendment on page 1 line 37 starting with "assessed" to be stricken through the word "and" on line 38, and insert the language provided after the word "section" on line 39. (Attachment 3)

Senator Brownlee moved the amendment. Senator Vratil seconded the motion. The motion carried.

Senator Brownlee moved to pass SB 13 as amended. Senator Reitz seconded the motion. The motion carried.

The meeting was adjourned at 10:50 am. The next scheduled meeting is January 30, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 1/25

NAME	REPRESENTING
Whitney Daman	Kotapoo Tribe in Kansas
Patrick Heasley	GREEN
Keith Kocher	KS Lottery
Ed Van Petten	KS Lottery
Mike Pepoon	Sedgwick Co.
Jim Gogebner	AT&T
Jamie Hatsbunas	IILRC
Jim Skelton	city of Wichita
DICK CARTER	TIAA
Dale Goh	City of Wichita
John Peterson	Capital Strategies
Dan Murray	Federico Consulting

In 1997 the Kansas Commission on Veterans Affairs created an advisory board to review and research the illnesses of veterans which many thought could be attributed to the Persian Gulf War. This advisory board, of which I am a member, feels the board has now served its usefulness on that particular issue.

During our meeting last Saturday morning, the board voted unanimously to change the title of title of this board to more fully reflect the direction our concerns have taken. This bill's purpose is to change the title **of "Persian Gulf War Initiative Act" to "Kansas Veterans Health Board"**.

This change more accurately describes the work of this Advisory Board as we see the need together information on health issues of the veterans coming home today.

The legislation will also increases the number of board members from 3 to 5 sitting out the clinical and/or research professions to serve on the board.

The second bill request is to change current law relating to the veterans claims assistance program and service grant program to enlarge the advisory board from 3 members to 4 and setting out those veterans service organization who will have representation on the advisory board.

DRAFT

Municipal Court legislative proposal for 2007

(This language is very closely patterned after KSA 75-719, 22-3801 and 60-3002 et seq.)

Collection of debts owed to municipal courts or restitution; contracts for collection.

(a) Cities are authorized to enter into contracts in accordance with this section for collection services for debts owed to municipal courts or restitution owed under an order of restitution. On and after July 1, 2007, the cost of collection shall be paid by the defendant as an additional court cost in all cases where the defendant fails to pay any amount ordered by the court and the court utilizes the services of a contracting agent pursuant to this section. The cost of collection shall be deemed an administrative fee to pay the actual costs of collection made necessary by the defendant's failure to pay court debt and restitution.

(b) As used in this section:

(1) "Beneficiary under an order of restitution" means the victim or victims of a crime to whom a municipal court has ordered restitution be paid;

(2) "contracting agent" means a person, firm, agency or other entity who contracts hereunder to provide collection services;

(3) "cost of collection" means the fee specified in contracts hereunder to be paid to or retained by a contracting agent for collection services. Cost of collection also includes any filing fee required under K.S.A. 60-4303 and amendments thereto; and

(4) "debts owed to municipal courts" means any assessment of court costs, fines, fees, moneys expended by the city in providing counsel and other defense services to indigent defendants or other charges which a municipal court judgment has ordered to be paid to the court, and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. "Debts owed to municipal courts" also includes the cost of collection when collection services of a contracting agent hereunder are utilized.

(c) "Contracting agent" means the entity, firm or person selected by a city or a beneficiary under an order of restitution to undertake collection activities shall be known as a contracting agent.

(d) Any beneficiary under an order of restitution entered by a court after this section takes effect is authorized to utilize the collection services of contracting agents pursuant to this section for the purpose of collecting all outstanding amounts owed under such order of restitution.

(e) Contracts entered hereunder shall provide for the payment of any amounts collected to the clerk of the municipal court for the court in which the debt being collected originated, after first deducting the collection fee. In accounting for amounts collected from any person pursuant to

this section, the municipal court clerk shall credit the person's amount owed in the amount of the net proceeds collected and shall not reduce the amount owed by any person by that portion of any payment which constitutes the cost of collection pursuant to this section

(f) With the appropriate cost of collection paid to the contracting agent as agreed upon in the contract hereunder, the municipal clerk shall then distribute amounts collected hereunder as follows:

(1) When collection services are utilized pursuant to subsection (c), all amounts shall be applied against the debts owed to the court as specified in the original judgment creating the debt;

(2) When collection services are utilized pursuant to subsection (d), all amounts shall be paid to the beneficiary under the order of restitution designated to receive such restitution, except where that beneficiary has received recovery from the Kansas crime victims compensation board and such board has subrogation rights pursuant to K.S.A. 74-7312 and amendments thereto, in which case all amounts shall be paid to the board until its subrogation lien is satisfied.

(g) Whenever collection services are being utilized against the same debtor pursuant to both subsections (c) and (d), any amounts collected by a contracting agent shall be first applied to satisfy subsection (d) debts, debts pursuant to an order of restitution. Upon satisfaction of all such debts, amounts received from the same debtor shall then be applied to satisfy subsection (d) debts, debts owed to courts.

(h) For any defendant convicted in municipal court, all debts owed to the municipal court shall be taxed against the defendant and shall be a judgment against the defendant that may be enforced in the district court serving the jurisdiction in which the city is located. This judgment is enforceable in the district court as a chapter 61 civil judgment for payment of money upon filing the municipal court judgment, affidavit and certificate of mailing as indicated below at subsection (j).

(i) Jury fees are not court costs and shall be paid by the city in all municipal cases appealed for a trial de novo before the district court.

(j) A copy of any municipal judgment certified by the municipal court in which the judgment was rendered, may be filed in the office of the clerk of any district court of this state. Such copy must be filed by an attorney licensed to practice law in the state of Kansas. The clerk of the district court shall treat the municipal judgment so filed in the same manner as a judgment of the district court of this state. A judgment filed as provided by this section has the same effect and is subject to the same procedures, defenses and proceedings as a judgment of a district court of this state and may be enforced or satisfied in like manner.

(1) At the time of the filing of the municipal judgment, the city clerk shall make and file with the clerk of the district court an affidavit setting forth the name and last known post-office address of the judgment debtor who was assessed a debt owed to the municipal court.

(2) Promptly upon the filing of the municipal judgment and the affidavit, the clerk of the municipal court shall mail notice of the filing of the municipal judgment to the judgment debtor at the address given and shall file a certificate of the mailing with the district court. The notice shall include the name and post-office address of the city's contracting agent and the attorney prosecuting the judgment collection for the city. In addition, a judgment creditor owed restitution under the municipal judgment may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk of the district court. Lack of mailing notice of filing by the clerk of the municipal court shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(k) If the judgment debtor shows the district court:

(1) that an appeal from the municipal judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the municipal judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the city in which it was rendered.

(2) any ground upon which enforcement of a judgment of any district court of this state would be stayed, the court shall stay enforcement of the municipal judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state subject to the provisions of subsection (d) of K.S.A. 60-2103, and amendments thereto.

(l) The payment of court costs for the filing of municipal court judgments shall be governed by K.S.A. 60-2001 and K.S.A. 60-2005.

SENATE BILL No. 13

By Joint Committee on State-Tribal Relations

1-3

9 AN ACT concerning jurisdiction of certain law enforcement officers;
10 amending K.S.A. 2006 Supp. 22-2401a and repealing the existing
11 section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 22-2401a is hereby amended to read
15 as follows: 22-2401a. (1) Law enforcement officers employed by consol-
16 idated county law enforcement agencies or departments and sheriffs and
17 their deputies may exercise their powers as law enforcement officers:

18 (a) Anywhere within their county; and
19 (b) in any other place when a request for assistance has been made
20 by law enforcement officers from that place or when in fresh pursuit of
21 a person.

22 (2) Law enforcement officers employed by any city may exercise their
23 powers as law enforcement officers:

24 (a) Anywhere within the city limits of the city employing them and
25 outside of such city when on property owned or under the control of such
26 city; and

27 (b) in any other place when a request for assistance has been made
28 by law enforcement officers from that place or when in fresh pursuit of
29 a person.

30 (3) (a) Law enforcement officers employed by a Native American
31 Indian Tribe may exercise powers of law enforcement officers anywhere
32 within the exterior limits of the reservation of the tribe employing such
33 tribal law enforcement officer, subject to the following:

34 (i) The provisions of subsection (3)(a) shall be applicable only if *as*
35 *long as* such Native American Indian Tribe ~~has entered into~~ *maintains in*
36 *force* a valid and binding agreement with an insurance carrier to provide
37 liability insurance coverage for damages assessed in state or federal court
38 and arising from the acts, errors or omissions of such tribal law enforce-
39 ment agency or officer while acting pursuant to this section. Such insur-
40 ance policy shall: (A) (1) Be in an amount not less than \$500,000 for any
41 one person and \$2,000,000 for any one occurrence for personal injury
42 and \$1,000,000 for any one occurrence for property damage ~~and shall;~~
43 (2) *be in an amount not less than \$2,000,000 aggregate loss limit; and* (3)

and waives its tribal immunity, as provided in paragraph
(b) of subsection (3), for any liability for damages
arising from the acts, errors or omissions of such tribal
law enforcement agency or officer while acting pursuant
to this section