

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:32 A.M. on January 18, 2007, in Room 123-S of the Capitol.

All members were present except:

Donald Betts arrived, 9:33 A.M.
Barbara Allen arrived, 9:35 A.M.
Dwayne Umbarger arrived, 9:37 A.M.
Les Donovan- excused
David Haley- absent

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Nancy Ralston, Kansas Department of Revenue
Richard Hayse, Kansas Bar Association
Marilyn Harp, Kansas Legal Services
Terry Humphrey, Kansas Trial Lawyers
Sandy Barnett, Executive Director, Kansas Coalition Against Sexual & Domestic Violence
Eileen Doran, Executive Director, Battered Women's Task Force
Dr. Howard Rodenberg, Director of Health, KDHE
Dr. Paul Harrison, Chair, Advisory Committee on Trauma
Dan Gibb, Assistant Attorney General
Lynn Jenkins, Board President, Topeka YMCA
Lois Rice, Executive Director, CASA
Mark Gleeson, Office of Judicial Administration
Jerry Slaughter, Executive Director, Kansas Medical Society
Susan Bumsted, RN, Kansas State Nurses Association
Randy Rogers, Kansas Sheriff's Association
Maureen Mahoney, Guardian ad litem, Wyandotte County
Heather Morgan, Director of Public & Legislative Affairs, Juvenile Justice Authority

Others attending:

See attached list.

The Chairman opened the hearing on **SB 35–DUI, computation of time to request administrative hearing.**

Senator Journey testified in support, indicating that the current law's application of time limits does not take into consideration weekends and legal holidays when state offices are closed (Attachment 1). Enactment would bring the hearing request requirement into line with other time limits for requesting hearings, appeals, or other legal action.

Nancy Ralston spoke as a proponent, but suggested additional changes in K.S.A. 8-1020 should be made to be consistent with the proposed changes in K.S.A. 8-102(v) (Attachment 2). Ms. Ralston provided copies of the proposed changes to the committee.

There being no further conferees, the hearing on **SB 35** was closed.

Chairman Vratil opened the hearing on **SB 17–Docket fees; eliminating certain funds from receiving part of docket fees.**

Richard Hayse appeared in support, stating it was the Kansas Bar Association's stance that docket fees should be used only for expenses of the judicial branch (Attachment 3). Mr. Hayse urged the committee and the Legislature to reduce the amount of docket fees in proportion to the non-judicial fund allocations eliminated

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:32 A.M. on January 18, 2007, in Room 123-S of the Capitol.

by **SB 17**.

Marilyn Harp spoke in favor, indicating **SB 17** would continue to support the Access to Justice fund ([Attachment 4](#)).

Terry Humphrey appeared as a proponent, in support of targeting docket fee funds towards programs relating to the operation of the court system and to fund the deleted programs through the State General Fund ([Attachment 5](#)).

Sandy Barnett appeared in opposition, urging the committee to consider the negative consequences that would result due to a loss of funds from docket fees ([Attachment 6](#)).

Eileen Doran spoke in opposition, stating the funding received from docket fees is critical to her organization ([Attachment 7](#)).

Dr. Howard Rodenberg, opponent, provided the committee with information relating to the Kansas Trauma Fund ([Attachment 8](#)). Dr. Rodenberg indicated funding is received from the docket fees placed on moving violations. This funding strategy was developed by the 1999 legislature since dangerous driving behaviors were the prime source of major trauma in the state. The trauma fund is dependent on stable, dedicated, uninterrupted funding. He urged continued support.

Dr. Paul Harrison spoke in opposition to removing the Kansas Trauma Fund from support by docket fees ([Attachment 9](#)). Dr. Harrison briefed the committee on the development, current status, and future goals of the trauma system urging the committee to reconsider elimination of funding through docket fees.

Dan Gibb testified in opposition on behalf of the Attorney General Morrison, which administers several funds that are recipients of court docket fee revenue ([Attachment 10](#)). The Attorney General believes these programs need a reliable funding stream without the uncertainty of the annual appropriation process.

Lynn Jenkins appeared in opposition, indicating **SB 17** would eliminate funding of supervised child visitation and exchange centers without any provisions for replacing funding ([Attachment 11](#)).

Lois Rice spoke in opposition, providing information on the CASA (Court Appointed Special Advocate) program ([Attachment 12](#)). Ms. Rice urged that the funding for this program would be jeopardized with the passage of **SB 17**.

Mark Gleeson appeared in opposition, stating concern for the possible loss of funding for the Permanent Families Account and the CASA (Court Appointed Special Advocate) programs ([Attachment 13](#)). Mr. Gleeson also indicated that the implementation date of July 1, 2007, would not allow targeted programs time to adjust their budgets or raise additional funds.

Jerry Slaughter spoke in opposition to the portion of **SB 17** which would remove the principal source of financial support of the Kansas Trauma Program ([Attachment 14](#)). Mr. Slaughter stressed that docket fees are received only from moving violations because motor vehicle accidents are the leading cause of death and disability and urged the committee to reconsider eliminating docket fee funding.

Susan Bumsted testified in opposition, urging the committee to reconsider docket fees regarding the Kansas Trauma Program ([Attachment 15](#)).

Randy Rogers, an opponent, provided the committee with information on the Kansas Law Enforcement Training Center which is currently funded through docket fees ([Attachment 16](#)). Mr. Rogers feels that the Center is too important to remove its current funding system.

Maureen Mahoney spoke in opposition, relating her experiences with the CASA program and requested the committee continue funding through docket fees ([Attachment 17](#)).

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:32 A.M. on January 18, 2007, in Room 123-S of the Capitol.

Heather Morgan provided neutral testimony on the services provided through the Juvenile Detention Facilities Fund (JDFF) and the Kansas Delinquency Prevention Trust Fund (KDPTF) (Attachment 18). Currently, both funds are supported by docket fees. Ms. Morgan stated that elimination of existing funding would require the State General Fund to cover the costs of the JDFF and halt support of the KDPTF.

Written testimony in opposition to **SB 17** was submitted by:

Ed Klumpp, Kansas Association of Chiefs of Police (Attachment 19)

Ed Pavey, Director, Law Enforcement Training Center (Attachment 20)

Kyle Smith, Deputy Director, KBI (Attachment 21)

Jan Stegelman, Safe Kids Kansas (Attachment 22)

Chad Austin, Kansas Hospital Association (Attachment 23)

Larry Pittman, President & CEO, Kansas Foundation for Medical Care, Inc. (Attachment 24)

The Chairman stated that the purpose of **SB 17** was not to deny funding or imply that the deleted programs are not worthwhile, but should be subject to the same appropriations process that other programs that must submit to for appropriations each year.

Senator Goodwin commented that should these programs make their case to the Ways and Means Committee and House Appropriations Committee they may receive more money than they currently receive. An outstanding program that needs more money, may well receive it and not be limited to what is received from docket fees.

There being no further conferees, the hearing on **SB 17** was closed.

The meeting was adjourned at 10:32 A.M. The next scheduled meeting is January 19, 2007.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1/18/07

NAME	REPRESENTING
Susan Green	SRB - CFS
Sarah Tidwell	KSNA
Susan Burnett	KSNA
Marci Balda	DMV - KOPR
Randy M. Spearreel	Judicial Council
Paul B. Harrison	Governors Advisory Committee on Training
Howard Borenstein	KOTE
Heather Morgan	JJA
DARIN BECK	KLEZ
STEVEN Culp	KS - CPOST
JOHN GREEN	KPOA
Ed Pavey	KLETC
Jim Uwe	KBA
Fay Welch	KBI
John Simmons	Fairway Police Dept.
Shannon Bell	LGR
Natalie Nelson	Ks Sentencing Commission
Bob Keller	JCSO

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 11/18/07

NAME	REPRESENTING
Robin Clements	Child Welfare Cos.
Julienne Maslin	Cow office
Rosanne Rutkowski	KDHE
Dick Marrissey	KDHE
Steve Solomon	TFI Family Services
LAM WMSL	OTA
Carolyn Medendorp	Ks ST No Assn
Janette Mess	KS CASA Association
Melissa Ness	KS CASA Association
Mickey Edwards	KS CASA Association
Corinne Sanchez	YMCA Safe Visit, Ks. Visit Association
Kelley Weyer	1st Judicial CASA
Susan Allemang	SDS Child Visitation Center - Emporia, KS
Susan Guof	Child Visitation & Exchange Center CVEC - Hutchinson, KS.
Cherie Reichenher	TFI Family Services OG County VEC
Beth McKenzie	TFI Family Services Douglas Co. CVEC
Michelle Alt	Crisis Resource Center of Southeast KS, Inc.
Vicky Pelen	Crisis Resource Ctr of SE Kan.

SENATOR PHILLIP B. JOURNEY

STATE SENATOR, 26TH DISTRICT
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TOPEKA

SENATE CHAMBER

**Testimony in Support of Senate Bill 35
Before the Senate Judiciary Committee
January 18th, 2007**

COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE
(JOINT), CHAIR
HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
TRANSPORTATION
CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)
SOUTH CENTRAL DELEGATION, CHAIR

It is a privilege and an honor to have the opportunity to address the Senate Judiciary Committee and offer comments and support of Senate Bill 35.

Senate Bill 35 amends K.S.A. 8-1020 making the provisions of K.S.A. 60-206 and amendments thereto defining the computation of time to determination if the request for an administrative hearing to the Department of Revenue was filed in a timely manner. Such hearings may be requested by any individual served with a Department of Revenue form DC27. Failure to file such request results in the automatic suspension of driving privileges for a period of up to the remaining time the Kansan has left in this world.

Having practiced criminal and traffic law for over 20 years working on over 60,000 cases, this peculiar public policy established previously in the law is an inconsistent application of time limits requiring the Department of Revenue to receive and the alleged driver to transmit request for hearings on legal holidays or weekends when state offices are closed. Such requirements simply set an administrative trap for unsuspecting respondents to the administrative action and is an unnecessary inconvenience on counsel practicing law in the State of Kansas to require transmittal of these requests when state offices are not open.

There is no substantive change in the rights, privileges, or duties of the Department of Revenue or the drivers in these administrative actions other than to bring the hearing request requirement into line with other time limits for requesting hearings, appeals, or other legal action. Enactment of Senate Bill 35 will help create a consistent statutory structure that will improve the administration of justice and the quality of due process in Kansas jurisprudence.

Respectfully submitted,

Senator Phillip B. Journey
State Senator 26th District

Senate Judiciary

1-18-07

Attachment 1

TESTIMONY

TO: Senate Judiciary Committee

FROM: James G. Keller
Deputy General Counsel
Kansas Department of Revenue

DATE: January 18, 2007

RE: Senate Bill No. 35

Mr. Chairman and members of the committee, thank you for the opportunity to provide written testimony today regarding Senate Bill 35.

Senate Bill No. 35 would amend K.S.A. 8-1020 to make the provisions of K.S.A. 60-206 applicable in calculating the time period for requesting an administrative hearing under the Kansas Implied Consent Law. The Kansas Department of Revenue does not oppose this bill, but the Department would suggest that additional changes in K.S.A. 8-1020 should be made to be consistent with the proposed changes in K.S.A. 8-1020(v).

Because the definition for the term "calendar day" is being removed from paragraph (v), we would propose removing the term "calendar" wherever it appears in K.S.A. 8-1020.

A further change we would propose is to amend the language in K.S.A. 8-1020(a) to eliminate present (a)(2) and (a)(4). Those provisions were intended to supply an extra 3 days to request administrative hearings when a notice of suspension was served by mail, because K.S.A. 8-1020(v) prevented the application of the time calculation provisions in K.S.A. 60-206. Because this bill would make K.S.A. 60-206 applicable, the language in present K.S.A. 8-1020(a)(2) and (a)(4) would no longer be required, because the application of K.S.A. 60-206(e) will accomplish the same purpose—to allow 3 extra days to request a hearing when service of the notice of suspension has been made by mail.

I am attaching a copy of K.S.A. 8-1020 with the changes made by Senate Bill No. 35 and also the further changes we would suggest in K.S.A. 8-1020(a), (b) and (e), as explained above.

LEGAL SERVICES

DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., TOPEKA, KS 66612-1586
Voice 785-296-2382 Fax 785-296-5213 <http://www.ksrevenue.org/>

Senate Judiciary

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Attachment 2

8-1020. Administrative hearing; requirements; procedure. (a) Any licensee served with an officer's certification and notice of suspension pursuant to K.S.A. 8-1002, and amendments thereto, may request an administrative hearing. Such request may be made either by:

(1) Mailing a written request which is postmarked 10 ~~calendar~~ days after service of notice, ~~if such notice was given by personal service; or~~

(2) ~~mailing a written request which is postmarked 13 calendar days after service of notice, if such notice was given by mail;~~

~~(3) transmitting a written request by electronic facsimile which is received by the division within 10 calendar days after service of notice, if such notice was given by personal service; or~~

~~—(4) transmitting a written request by electronic facsimile which is received by the division within 13 calendar days after service, if such notice was given by mail.~~

(b) If the licensee makes a timely request for an administrative hearing, any temporary license issued pursuant to K.S.A. 8-1002, and amendments thereto, shall remain in effect until the 30th ~~calendar~~ day after the effective date of the decision made by the division.

(c) If the licensee fails to make a timely request for an administrative hearing, the licensee's driving privileges shall be suspended or suspended and then restricted in accordance with the notice of suspension served pursuant to K.S.A. 8-1002, and amendments thereto.

(d) Upon receipt of a timely request for a hearing, the division shall forthwith set the matter for hearing before a representative of the director and provide notice of the extension of temporary driving privileges. Except for a hearing conducted by telephone or video conference call, the hearing shall be conducted in the county where the arrest occurred or a county adjacent thereto. If the licensee requests, the hearing may be conducted by telephone or video conference call.

(e) Except as provided in subsection (f), prehearing discovery shall be limited to the following documents, which shall be provided to the licensee or the licensee's attorney no later than five ~~calendar~~ days prior to the date of hearing:

(1) The officer's certification and notice of suspension;

(2) in the case of a breath or blood test failure, copies of documents indicating the result of any evidentiary breath or blood test administered at the request of a law enforcement officer;

(3) in the case of a breath test failure, a copy of the affidavit showing certification of the officer and the instrument; and

(4) in the case of a breath test failure, a copy of the Kansas department of health and environment testing protocol checklist.

(f) At or prior to the time the notice of hearing is sent, the division shall issue an order allowing the licensee or the licensee's attorney to review any video or audio tape record made of the events upon which the administrative action is based. Such review shall take place at a reasonable time designated by the law enforcement agency and shall be made at the location where the video or audio tape is kept. The licensee may obtain a copy of any such video or audio tape upon request and upon payment of a reasonable fee to the law enforcement agency, not to exceed \$25 per tape.

(g) Witnesses at the hearing shall be limited to the licensee, to any law enforcement officer who signed the certification form and to one other witness who was present at the time of the issuance of the certification and called by the licensee. The presence of the certifying officer or officers shall not be required, unless requested by the licensee at the time of making the request for the hearing. The examination of a law enforcement officer shall be restricted to the factual circumstances relied upon in the officer's certification.

(h) (1) If the officer certifies that the person refused the test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto; and

(D) the person refused to submit to and complete a test as requested by a law enforcement officer.

(2) If the officer certifies that the person failed a breath test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto;

(D) the testing equipment used was certified by the Kansas department of health and environment;

(E) the person who operated the testing equipment was certified by the Kansas department of health and environment;

(F) the testing procedures used substantially complied with the procedures set out by the Kansas department of health and environment;

(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person's breath; and

(H) the person was operating or attempting to operate a vehicle.

(3) If the officer certifies that the person failed a blood test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto;

(D) the testing equipment used was reliable;

(E) the person who operated the testing equipment was qualified;

(F) the testing procedures used were reliable;

(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person's blood; and

(H) the person was operating or attempting to operate a vehicle.

(i) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, an affidavit of the custodian of records at the Kansas department of health and environment stating that the breath testing device was certified and the operator of such device was certified on the date of the test shall be admissible into evidence in the same manner and with the same force and effect as if the certifying officer or employee of the Kansas department of health and environment had testified in person. A certified operator of a breath testing device shall be competent to testify regarding the proper procedures to be used in conducting the test.

(j) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, in which the report of blood test results have been prepared by the Kansas bureau of investigation or other forensic laboratory of a state or local law enforcement agency are to be introduced as evidence, the report, or a copy of the report, of the findings of the forensic examiner shall be admissible into evidence in the same manner and with the same force and effect as if the forensic examiner who performed such examination, analysis, comparison or identification and prepared the report thereon had testified in person.

(k) At the hearing, the licensee has the burden of proof by a preponderance of the evidence to show that the facts set out in the officer's certification are false or insufficient and that the order suspending or suspending and restricting the licensee's driving privileges should be dismissed.

(l) Evidence at the hearing shall be limited to the following:

(1) The documents set out in subsection (e);

(2) the testimony of the licensee;

(3) the testimony of any certifying officer;

(4) the testimony of any witness present at the time of the issuance of the certification and called by the licensee;

(5) any affidavits submitted from other witnesses;

(6) any documents submitted by the licensee to show the existence of a medical condition, as described in K.S.A. 8-1001, and amendments thereto; and

(7) any video or audio tape record of the events upon which the administrative action is based.

(m) After the hearing, the representative of the director shall enter an order affirming the order of suspension or suspension and restriction of driving privileges or for good

cause appearing therefor, dismiss the administrative action. If the representative of the director enters an order affirming the order of suspension or suspension and restriction of driving privileges, the suspension or suspension and restriction shall begin on the 30th day after the effective date of the order of suspension or suspension and restriction. If the person whose privileges are suspended is a nonresident licensee, the license of the person shall be forwarded to the appropriate licensing authority in the person's state of residence if the result at the hearing is adverse to such person or if no timely request for a hearing is received.

(n) The representative of the director may issue an order at the close of the hearing or may take the matter under advisement and issue a hearing order at a later date. If the order is made at the close of the hearing, the licensee or the licensee's attorney shall be served with a copy of the order by the representative of the director. If the matter is taken under advisement or if the hearing was by telephone or video conference call, the licensee and any attorney who appeared at the administrative hearing upon behalf of the licensee each shall be served with a copy of the hearing order by mail. Any law enforcement officer who appeared at the hearing also may be mailed a copy of the hearing order. The effective date of the hearing order shall be the date upon which the hearing order is served, whether served in person or by mail.

(o) The licensee may file a petition for review of the hearing order pursuant to K.S.A. 8-259, and amendments thereto. Upon filing a petition for review, the licensee shall serve the secretary of revenue with a copy of the petition and summons. Upon receipt of a copy of the petition for review by the secretary, the temporary license issued pursuant to subsection (b) shall be extended until the decision on the petition for review is final.

(p) Such review shall be in accordance with this section and the act for judicial review and civil enforcement of agency actions. To the extent that this section and any other provision of law conflicts, this section shall prevail. The petition for review shall be filed within 10 days after the effective date of the order. Venue of the action for review is the county where the person was arrested or the accident occurred, or, if the hearing was not conducted by telephone conference call, the county where the administrative proceeding was held. The action for review shall be by trial de novo to the court and the evidentiary restrictions of subsection (l) shall not apply to the trial de novo. The court shall take testimony, examine the facts of the case and determine whether the petitioner is entitled to driving privileges or whether the petitioner's driving privileges are subject to suspension or suspension and restriction under the provisions of this act. If the court finds that the grounds for action by the agency have been met, the court shall affirm the agency action.

(q) Upon review, the licensee shall have the burden to show that the decision of the agency should be set aside.

(r) Notwithstanding the requirement to issue a temporary license in K.S.A. 8-1002, and amendments thereto, and the requirements to extend the temporary license in this

section, any such temporary driving privileges are subject to restriction, suspension, revocation or cancellation as provided in K.S.A. 8-1014, and amendments thereto, or for other cause.

(s) Upon motion by a party, or on the court's own motion, the court may enter an order restricting the driving privileges allowed by the temporary license provided for in K.S.A. 8-1002, and amendments thereto, and in this section. The temporary license also shall be subject to restriction, suspension, revocation or cancellation, as set out in K.S.A. 8-1014, and amendments thereto, or for other cause.

(t) The facts found by the hearing officer or by the district court upon a petition for review shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension or suspension and restriction to be imposed under this section.

(u) All notices affirming or canceling a suspension under this section, all notices of a hearing held under this section and all issuances of temporary driving privileges pursuant to this section shall be sent by first-class mail and a United States post office certificate of mailing shall be obtained therefor. All notices so mailed shall be deemed received three days after mailing, except that this provision shall not apply to any licensee where such application would result in a manifest injustice.

(v) The provisions of K.S.A. 60-206, and amendments thereto, regarding the computation of time shall ~~not~~ be applicable in determining the time for requesting an administrative hearing as set out in subsection (a) ~~but shall apply~~ and to the time for filing a petition for review pursuant to subsection (o) and K.S.A. 8-259, and amendments thereto. "Calendar day" shall mean that every day shall be included in computations of time ~~whether a weekday, Saturday, Sunday or holiday.~~



KANSAS BAR
ASSOCIATION

BEFORE THE SENATE JUDICIARY COMMITTEE

**Testimony of Richard F. Hayse
on behalf of the Kansas Bar Association
with regard to 2007 SB 17**

January 18, 2007

The Kansas Bar Association appears today as a limited proponent of that portion of SB 17 which advances long-standing policies of the KBA. Let me offer a little background for our position.

We believe that filing fees, or docket fees, to file cases in the courts of this state are inherently a tax on the right of citizens to obtain rulings about their legal rights from the judicial branch of government. In an ideal world there would be no docket fees to present a barrier to access to the courts, just as there are no access fees for citizens to appear before this Legislature. Our objective is to minimize that barrier wherever possible. At a minimum, docket fees should only be used for expenses of the judicial branch generally, and not for funding the general operations of government.

For this reason we have long supported efforts to eliminate the allocation of docket fee revenues for non-judicial functions. Sb 17 takes significant steps in that direction at both the county and state level. The bill would drop two such allocations from the statute governing county fee usage, namely the indigents' defense services fund and the law enforcement training center fund.

The bill eliminates six such allocations from existing statutes governing fee usage at the state level, namely the juvenile detention facilities fund, the crime victims assistance fund, the juvenile delinquency prevention trust fund, the permanent families account in the family and children investment fund, the trauma fund and the child exchange and visitation centers fund. Statutory authorization continues for the existence of each of these programs, meaning there will need to be appropriations from other sources to support the operation of these programs.

At the county level the two funds to be eliminated account for \$15.50 from each docket fee. At the state level, the six funds to be eliminated account for a total of 8.06% of the revenues received by the state. Yet SB 17 does not pass these savings along to the litigants who file cases

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Attachment 3

in the courts of this state. The filing fee in each case remains the same (except for one increase) and the additional revenues are passed along to the state general fund.

The net result is that the state receives proportionately more revenue from the clerks of the district courts (because allocations to two of the funds are eliminated at the county level), and a higher percentage of the revenue received is diverted into the state general fund. At the end of the day nearly two-thirds of the docket fee revenues received by the state from the counties goes into the general fund. Litigants are simply subjected to a tax on the right to use the judicial system with the resulting revenues funding the general operations of state government.

The KBA urges this committee and the Legislature to reduce the amount of docket fees in proportion to the non-judicial fund allocations eliminated by SB 17, and to pass along this tax reduction to those who seek access to the judicial branch of government to obtain rulings on their legal and constitutional rights. In the alternative, the KBA would urge that in lieu of lowering docket fees, all fees previously earmarked for the fee funds eliminated in this bill be earmarked for a special fund for funding the Judicial Branch.

Thank you for considering these views on behalf of the members of the Kansas Bar Association.

* * *

TESTIMONY OF MARILYN HARP
KANSAS LEGAL SERVICES, INC.
(785) 233-2068
Thursday, January 18, 2007

Hearing Before the
SENATE COMMITTEE ON JUDICIARY

Chair: Senator John Vratil
Statehouse, Room 123-South

Thank you for the opportunity to speak today regarding the Access to Justice Fund.

Kansas Legal Services, Inc. (KLS) is a private non-profit 501(c)(3) corporation that provides civil legal and alternative dispute resolution services to low income persons in Kansas. The primary mission of Kansas Legal Services is to provide equal access to justice for persons not able to pay for legal services. KLS progressively focuses its advocacy efforts on special needs groups such as victims of domestic violence, children, the homeless, the elderly, farmers and individuals with disabling conditions.

Kansas Legal Services worked closely with the Office of Judicial Administration, Kansas Bar Association, the University of Kansas School of Law, and many other organizations to have the Access to Justice fund included in House Bill 3033, which was passed by the 1996 Kansas Legislature. Kansas Legal Services assisted the Office of Judicial Administration during the 2000 Kansas Legislature to assure inclusion of funding for the *Guardian Ad Litem* Support Center as an additional component of the Access to Justice Fund.

Our Access to Justice program makes legal counsel, mediation and *pro se* services available in all 105 Kansas counties to those earning 150 percent or below of the federal poverty level. Currently, that translates to an annual income of \$30,000 or less for a family of four—clearly not enough to make ends meet *and* pay for any legal needs that arise. These are the people who “fall through the cracks” of a Courts system that aims for equality but can seem beyond the reach of those who need it most—domestic violence victims, single mothers, others seeking legal solutions to everyday problems. By serving them, KLS’ Access to Justice program also assists the Kansas Judiciary by reducing the number of *pro se* litigants attempting to represent themselves in Kansas Courts.

The Access to Justice Advice Line began operation on February 7, 1997. The Advice Line toll-free number has been provided directly to Kansas district courts and is available to offer services needed in lessening the burden of *pro se* litigants, coordinate mediation services and respond to requests for legal assistance. The Advice Line receives approximately 11,000 calls per year.

The Access to Justice Advice Line screens callers for income eligibility, determines the legal problem of the caller and determines the priority of the problem identified. Advice Line staff either refer the caller to a Kansas Legal Services office for representation or advice or, in many

Senate Judiciary

1-18-07
Attachment 4

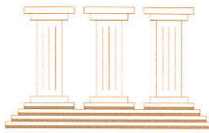
cases, provide direct advice during the initial call. Advice Line staff also assist in *pro se* matters as requested by the courts and may refer the caller to mediation services either within KLS or to other providers.

Most Access to Justice cases involve family law, which is a paramount legal concern to low income Kansans. The 2004 Kansas Legal Needs Assessment, conducted by KLS, the Kansas Equal Access to Justice Committee and the University of Kansas Sociology Department, revealed that the most commonly cited legal problems reported involved family law, consumer issues and housing. These are the three types of legal issues primarily addressed with Access to Justice funding. Sixty percent of the calls received by the Advice Line concern family law, ten percent are housing related and sixteen percent are consumer related.

In a separate program, KLS has given considerable attention to the state's child welfare system. In 2000, funding was added to the Access to Justice Fund for KLS to operate a statewide Guardian *Ad Litem* Support Center, which provides technical assistance and training to guardians *ad litem*. A foster care helpline provides foster children, foster parents, parents, grandparents, social workers and others seeking advice or representation access to legal services. In addition to these direct services, KLS recently produced a series of children's books following a character named Alex as he faces his parents' divorce, court proceedings, moving through foster homes and "aging out" of the system.

Whether representing domestic violence victims, advising low income renters or reaching out to foster children, Kansas Legal Services holds itself to a high level of performance and accountability. At the Office of Judicial Administration's recommendation, quarterly reports have been modified to include not only a breakdown of funds and numbers served, but demographic information and case itemization by legal problem. This provides a comprehensive window into the Access to Justice program and those it serves.

The Access to Justice program is one of Kansas Legal Services' most essential streams of funding, allowing us to fulfill our mission by providing legal assistance to Kansans in need. This funding comes from 4.92 percent of the filing fee paid by those using the Court system. In this way, the users of the Courts are providing a small fee that is used to move us toward providing equal access to the Courts for all and a more efficient system for all participants. We are grateful for this support and the opportunity to provide support to the court system.



KANSAS TRIAL LAWYERS ASSOCIATION

Lawyers Representing Consumers

To: Senator John Vratil, Chairman
Members of the Senate Judiciary Committee

From: Terry Humphrey
Kansas Trial Lawyers Association

Date: January 18, 2007

RE: SB 17 Court Docket Fees

I appear today on behalf of the Kansas Trial Lawyers Association, a statewide nonprofit organization of attorneys who serve Kansans who are seeking justice. I appreciate the opportunity to provide testimony in support of SB 17, Court Docket Fees.

The civil justice system is an essential part of our government because it allows Kansans who are injured by the misconduct or negligence of others to get justice, even when taking on the most powerful interests. Because of the critical role the civil justice system plays the courts must be adequately funded.

SB 17 deletes certain programs from receiving district court docket fees with the result that docket fee funds are more narrowly targeted towards programs relating to the operation of the court system. Currently, docket fees fund many programs and budgets that are beyond the scope of, or peripherally related to, the functioning of the courts.

Docket fees, which are only paid by those that must access the courts, are essentially a user fee. If docket fees were the primary funding source for the courts then they would likely be so excessive as to deter Kansans with legitimate claims from seeking justice. For that reason, the courts must continue to receive State General Fund support even with the passage of SB 17. But directing docket fee funds to programs outside of the periphery of the operation of the court system is neither a sustainable funding source for such programs or equitable to those that pay docket fees.

While KTLA believes that SB 17 is a step forward in improving Kansas' docket fee system, we encourage the Committee to take the necessary step of considering additional legislation transitioning the programs that will lose docket fee funds to funding under the State General Fund.

Thank you for the opportunity to provide you with our testimony.

Terry Humphrey, Executive Director

Senate Judiciary

1-18-07

634 SW Harrison Topeka, Kansas 66603
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org • www.kcsdv.org

Senate Judiciary Committee
Senate Bill 17 – Docket Fee Amendment
January 18, 2007

Chairman Vratil and Members of the Committee:

As many of you know, KCSDV speaks for a network of domestic violence and sexual assault programs located across the state. From a one-county program in Ulysses to an 18-county program in Hays, from the urban programs in Kansas City and Wichita, to the more rural programs in Iola, Great Bend, and Liberal, Kansas programs attempt to reach and serve victims in every county of the state. These programs operate 24-hours a day, 7 days a week, and 365 days a year. They don't close for Thanksgiving, Christmas, Easter, or any other holiday that the rest of us enjoy.

Born out of necessity, as grassroots, community-based non-profit organizations, these programs quickly became part of the core services provided in each town and city where they are located. Many programs started only as a crisis hotline but the obvious need for safe confidential face-to-face crisis and shelter services soon became apparent. Most of our rape crisis centers and domestic violence shelters formed across Kansas in the 1970's and 1980's in response to the increased attention to these issues. In the past 22 years or so, these programs have been increasingly partnered with law enforcement and the courts to find ways to address these issues at the community level: in fact approximately 26 percent of all direct services provided to victims are related to criminal and civil justice.

In 1984, the State of Kansas recognized the need to support these efforts by creating the Protection from Abuse Fund. Over the years, PFA Fund dollars have been generated through a portion of Kansas marriage license fees, docket fees and city and

county fines. More recently, the PFA Fund was amended to include designated funding for sexual assault victim services. Up until this current fiscal year, these PFA funds were the only funds generated on the state level for Kansas programs. In addition, these sexual and domestic violence organizations continue to rely heavily on federal grant funding, something we all know can disappear in the next grant year. In FY2007, the state appropriated funds to match these federal grant dollars and to provide much needed sexual assault services to underserved areas of Kansas.

I cannot emphasize enough how important the PFA Funds are to Kansas victims. Programs receive approximately \$1.2 million dollars each year from the PFA Fund. In effect, these funds leverage all of the other funds because they provide for the core administrative functions of these non-profit organizations, keeping all of the direct service programs afloat. These are services such as advocacy in the emergency rooms and at the scene of a domestic violence incident; services for children in shelter and in the community, 24-hour hotline services, support groups, confidential shelter facilities, counseling services, referrals to and information about legal aid and other critical services, and an advocate to accompanying a victim before, during and after a criminal or civil case.

Each year, Kansas sexual and domestic violence programs apply for PFA Funds through the Kansas Attorney General's Office. The Attorney General monitors these funds throughout the grant year. Programs are required to provide quarterly financial and statistical reports. They are also required to have independent annual audits of their programs. We believe the accountability for the use of these funds is closely monitored by the Attorney General's Office.

Docket fees also fund the Crime Victims Assistance Fund and the Child Visitation and Exchange Fund. These Funds also provide critical services to adult and child victims seeking help from the State to minimize the impact of violence in their lives.

KCSDV urges you to consider seriously the negative consequences that will result from the loss of these funds should you decide to eliminate the use of docket fees for this purpose. Without the PFA Fund, the CVEC Fund, and the Crime Victim Assistance Fund, programs would be unable to continue providing the myriad of life-saving, life-transforming services so necessary to victims across the state.

eliminating racism empowering women

ywca

YWCA Topeka
225 SW 12th Street
Topeka, KS 66612

T: 785-233-1750
F: 785-233-4867
www.ywcatopeka.org

Ladies and Gentlemen:

My name is Eileen Doran and I am the Director of the YWCA Battered Women Task Force in Topeka. We are the agency accredited by the Kansas Coalition Against Sexual and Domestic Violence to provide services to survivors of violence in Shawnee County as well as surrounding rural areas. While I am new to the position, our program is in its 30th year in Topeka.

Prior to moving to Kansas two years ago, I served as the Director of the Notre Dame Law School Legal Aid Clinic where I represented hundreds of survivors of domestic violence as well as serving as an advocate for children in homes where violence had become a way of life. For two years, I also served as a Deputy Prosecutor in a Family Violence/Special Victims Unit. I have witnessed the struggle of survivors to access our legal system, often without resources to pay for the assistance of legal counsel. Too often, these survivors were unable to obtain Protection From Abuse and Protection From Stalking Orders. In Shawnee County alone last year, our office provided assistance to 914 clients who requested assistance with Protection From Abuse and Protection From Stalking Orders. We anticipate the numbers to be the same or higher in 2007. We have counselors meet with each applicant to ascertain whether they understand the process of obtaining a PFA/PSA as well as determine if they meet the statutory requirements for filing a Petition. Our office is filled every morning with victims who have been referred by local law enforcement officers as well as court staff for assistance. If we were not here to assist these victims, they would be navigating the system on their own, trying to determine how to file for a PFA and whether it is in their best interest to do so.

The funding provided to our program from the Docket Fee Program is critical to the work we do with survivors. These funds help support the critical work of the PFA and Court Advocate. These dollars are needed to support the administration of this program by covering support personnel and other expenses not funded through other grants. It is a time intensive and paper intensive process. Each day, we see close to 15 survivors who are seeking assistance with PFAs/PSAs. Without financial support for this program, we could not provide the same level of assistance to survivors. It is critical that if this funding for our programs is discontinued, that alternate funding is allocated. The events of the last several weeks, resulting in additional domestic violence fatalities in our communities, bring home the sad reality that the problem of domestic violence isn't declining in our state and the need for protection for survivors is greater than ever before.

Thank you for your time and attention to this very important issue.

Senate Judiciary

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Attachment 7



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

Testimony on Senate Bill 17

Judiciary Committee

Presented by Dr. Howard Rodenberg, MD, MPH Director of Health

Kansas Department of Health and Environment

Chairman Vratil and Members of the Committee, I am Dr. Howard Rodenberg. I serve as Director of the Division of Health within the Kansas Department of Health and Environment, and as Kansas State Health Officer. I am here in opposition to the section of the bill removing the trauma fund from docket fees.

We understand that the legislature is concerned about the need for docket fee funding of programs, and that appropriate oversight of these expenditures occurs on a regular basis. I'm pleased to tell you that the trauma funds meet both criteria.

Trauma Funds and Docket Fees

In 1999, the Kansas legislature recognized that injuries were a significant public health issue in Kansas and established the Kansas Trauma Program. In doing so, the legislators recognized that motor vehicle crashes (MVC) were the leading cause of death and disability from trauma in Kansas. This is true today. Of the 1,251 most severely injured ($ISS \geq 16$) patients entered into the Kansas Trauma registry in 2005, 40 percent were involved in motor vehicle crashes. From vital statistics, there were 1,157 deaths due to unintentional injury. Of those, 8 out of 10 are traumatic injuries, 51% of which were motor vehicle-related. These crashes are not accidents; over 80% of them were noted to involve a traffic infraction or some other kind of driver negligence. National data from NHTSA clearly indicates that speeding and alcohol use are among the most prevalent factors contributing to traffic crashes. As the legislature contemplated funding strategies at that time, they understood the link between dangerous driving behaviors as the prime source of major trauma in the state, and therefore established the trauma fund from docket fees on moving violations only (those violations of law that directly contribute to MVCs). This recognition is seen by legislatures nationwide; many other states utilize traffic fee fines to support their trauma systems.

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Legislative Oversight and Legislative Support

The Kansas Trauma Program features two levels of oversight. The enabling legislation mandated the creation of an Advisory Committee on Trauma (ACT). One of the duties of this group is to review the trauma budget as it is linked with the trauma implementation plan. There are four legislative representatives on the ACT.

The trauma program also features regular legislative oversight. The program has appeared before a body of the legislature at least 4 times within the last several years. We've presented the legislature with a state trauma plan in 2001, provided updates on our progress in 2003, and requested statute changes in 2 of the last 5 years. In 2005, the legislature passed HB 2752 authorizing KDHE to write regulations for hospital trauma designation and quality improvement activities. The trauma program budget was included and reviewed as part of this process.

In addition to opportunities for oversight specifically within the policy process, the budget for the trauma program is routinely available for legislative review as part of the KDHE budget that is examined each year by the legislative appropriations committee. We know the legislative body has reviewed the trauma budget, as they've authorized utilization of trauma fee funds for other needs on several occasions.

The legislature has consistently shown an interest in supporting and advancing the trauma program. Statute changes granted in recent years allow us to collect trauma data, use it in a quality assurance context, and to designate trauma centers throughout the state. To discontinue funding of this program seems contradictory to the legislature's prior support of developing the trauma system in Kansas.

The Kansas Trauma System Today

The Secretary of Health and Environment was directed in the original legislation to develop and implement a statewide trauma system, including a Kansas Trauma System plan with system components such as hospital designation, regional trauma councils, quality improvement programs, and a statewide trauma data collection system. In addition, legislation mandated that KDHE involve all levels of health care providers/organizations, urban as well as rural, in the planning and implementation of a trauma system that would meet the needs of those injured in Kansas. To assist with this process, legislation authorized establishment of a 24 member Advisory Committee on Trauma (ACT) which provides input to KDHE. The ACT developed an implementation schedule and budget based on a 5-year implementation process.

When the legislation was passed in 1999, a trauma system in Kansas was virtually non-existent. Today we have a state trauma plan that includes training, education, statewide trauma registry database and six regional trauma councils. The regional trauma council membership includes over 850 members representing 409 organizations. Regional trauma councils receive trauma funds to support their activities, which include regional trauma plan development, education, training and prevention. KDHE has also developed a statewide trauma registry, and currently all hospitals with emergency departments report data to the state system. There are over 43,000 records in the trauma registry; over 9,000 records were reported in 2005. Today we have 5

verified trauma centers in the state – Wichita, Kansas City, Overland Park and Topeka. One of the most exciting prospects is that we are poised to move ahead with the development of Level III Trauma Centers in more rural parts of our state, the very locations where more than 70% of the road traffic deaths occur. Loss of funding for the trauma program will severely hinder further system development, and deny these hospitals the opportunity to provide life-saving care to accident victims.

We ask that you continue to support dedicated funding for the state's trauma system. Stable funding is critical in order to continue the work that has evolved over the last six years. We're grateful for the legislature's demonstrated interest in advancing trauma care in Kansas over the past years, and we feel that to decrease the funding would violate that intent.

Unfortunately, trauma and injuries impact us all at some point in our lives. The person who needs a trauma system could be you or a member of your family. When a trauma occurs, the system should strive to provide optimal care for all trauma patients, no matter where they are injured or treated. Trauma is truly a matter of life or death.

Thank you and I'll be pleased to stand for any questions you might have.

Testimony SB 17

Paul B. Harrison MD, FACS
Chair, Advisory Committee on Trauma

Background

- 1999 Legislation was passed
- Authorized KDHE as the lead agency
- Appointed Advisory Committee on Trauma
- Required a State Trauma Plan
- Established a fee fund from moving violations

What is a trauma system?

- An organized & coordinated response to care for the injured
- Regionalized, making efficient use of resources
- Based on the needs of the population
- Emphasizes prevention
- Ability to expand to meet the medical needs of the community during disaster

Goals of the KS Trauma System

- Prevent death & disability due to trauma
- Improve delivery of trauma services
- Encourage provider preparation & response to trauma
- Increase public awareness & prevention
- Design an inclusive & comprehensive system

Kansas Milestones in Trauma

- 1999: Legislation passed
- 2000: Members appointed to Advisory Committee
- 2001: Kansas Trauma Plan presented to legislature
- 2002: Statewide data collection efforts begin

Milestones cont....

- 2003: 6 Regional trauma councils established
- 2004: Provided update on progress to legislative committee
- 2005: Regional Plans written
- 2005: Recommendations made for hospital designation
- 2005: 9,135 serious trauma cases reported
- 2006: Legislation passed providing authority to designate trauma hospitals
- 2006: 5 trauma centers now verified in Kansas

Trauma Plan Components

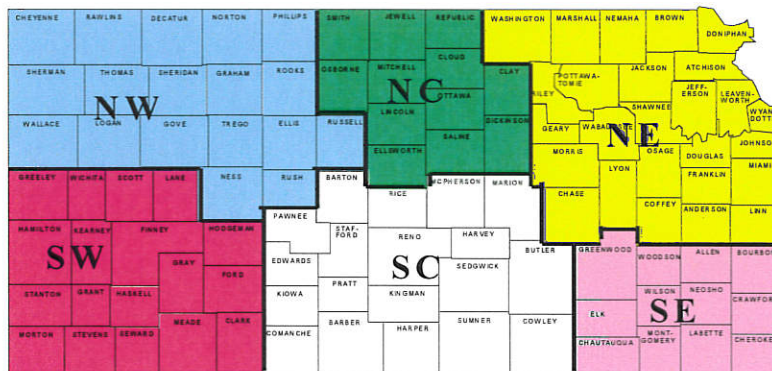
- State wide data collection system
- Regional Trauma councils
- Hospital Verification
- Training and Education
- Prehospital/EMS

Regional Trauma Councils

Population: 101,005
 Staffed Beds : 582
 Hospitals : 18 Counties: 18

Population: 133,843
 Staffed Beds : 581
 Hospitals : 13 Counties: 12

Population: 1,299,832
 Staffed Beds : 3,200
 Hospitals : 34 Counties: 26



Population: 152,623
 Staffed Beds : 556
 Hospitals : 18 Counties: 18

Population: 800,507
 Staffed Beds : 2,503
 Hospitals : 30 Counties: 19

Population: 196,108
 Staffed Beds : 735
 Hospitals : 15 Counties: 12

Regional Trauma Councils

Accomplishments

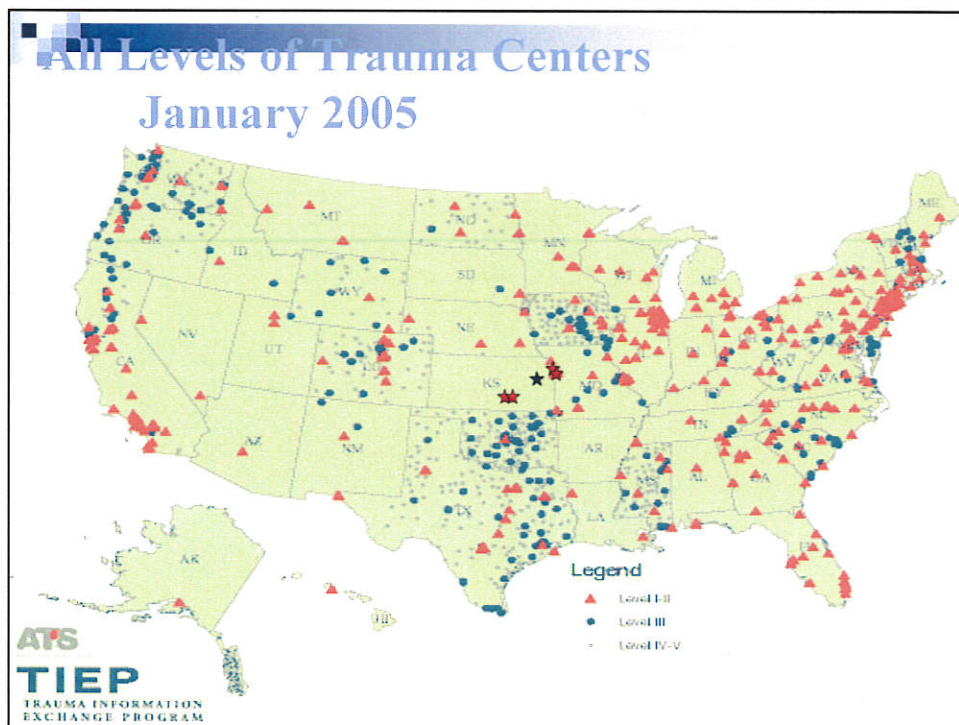
- Regional Trauma Plans written
- Support for EMD training & education
- Supported injury prevention activities based on data
- Supported regional trauma education
- Annual meeting of Executive Committee members

Trauma Center Designation

- Hospitals are classified based on level of resources
- Kansas has:
 - 3- Level I trauma centers
 - 1- Level II trauma center
 - 1- Level III trauma center
- Level 3 & 4 facilities: backbone of the system
- Rural hospitals are the port of entry

Levels of Designation

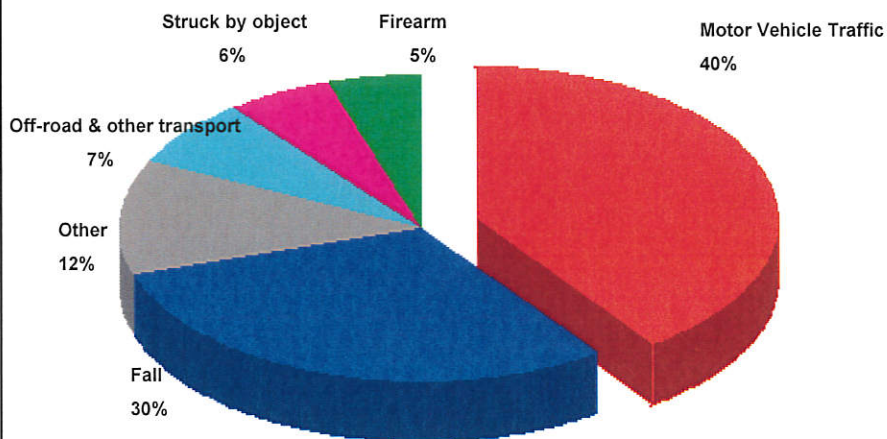
- Level 1: Provide full range of services & research responsibility
- Level 2: Similar level of clinical service & community based
- Level 3: Emergency & surgical capability. Commonly stabilize the most severe and transfer to a higher level trauma center



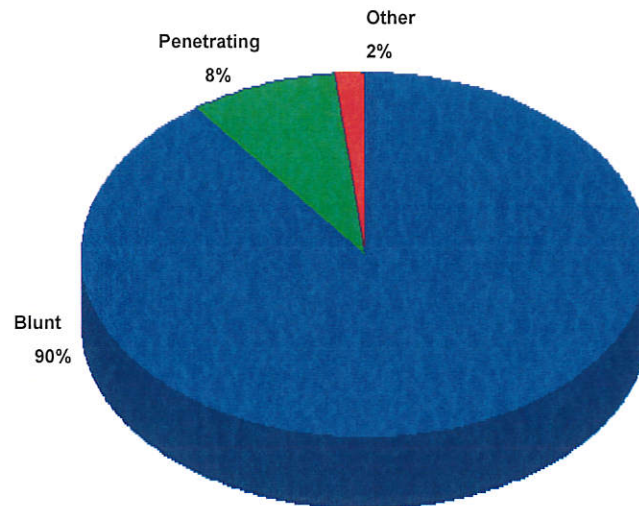
Is the Trauma System Worth it?

- Documented studies show the benefit of a organized trauma system can:
 - Reduce the risk of death by greater than 50% among severely injured
 - Survivors have shorter hospital stays
 - More efficient use of resources
 - Reduced costs

■ Primary Cause of Severe Injury (ISS 16 & over) Kansas Trauma Registry (2004-2005)



Primary Injury Type Kansas Trauma Registry (2005)



We appreciate your support of the
Kansas Trauma System.

Thank you



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PAUL MORRISON
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
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**Senate Judiciary Committee
Testimony in Opposition to SB 17**

Dan Gibb
Assistant Attorney General
Office of the Attorney General
January 18, 2007

Chairman Vratil and Members of the Committee,

Thank you for allowing me the opportunity to testify today regarding Senate Bill 17, the court docket fees bill. On behalf of Attorney General Paul Morrison, I am here today to testify in opposition to Senate Bill 17.

The Office of Attorney General administers several different funds that are recipients of court docket fee revenue. These funds provide grant money to programs that help victims of abuse and neglect. The State Treasury provides these funds to the Attorney General based on certain percentages of docket fees. The funds within the jurisdiction of the Attorney General are the Crime Victim's Assistance Fund, the Protection from Abuse Fund and the Child Exchange and Visitation Center Fund.

The Crime Victim's Assistance Fund provides grants for operating expenses for public and private programs providing temporary emergency shelter for victims of child abuse and neglect; counseling and assistance to victims of child abuse and neglect; and educational services directed at reducing the incidence of child abuse and neglect and diminishing its impact on the victim.

The Protection from Abuse Fund provides grants for operating expenses of domestic violence programs that provide temporary emergency shelter for adult victims of domestic abuse or sexual assault and their dependent children; counseling and assistance to those victims and their children; and educational services aimed at reducing domestic violence and sexual assault.

The Child Exchange and Visitation Center Fund provides grants for funding of centers across the state whose purpose is to provide a safe location for victims of family violence and their children while engaging in the court-ordered child exchange and visitation process.

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Paul Morrison has focused much of his law enforcement career on the issue of domestic violence. As Attorney General, Paul Morrison is determined to bring this same focus statewide. General Morrison believes that one of the best ways to reduce domestic violence in Kansas is to continue to fund the grant programs of the Attorney General's Office with a dedicated revenue source. While General Morrison believes that the motivation behind Senate Bill 17 is commendable, he ultimately feels that this legislation will put that revenue stream at risk.

One of the major benefits of the court docket fee funding process is its predictability. Regardless of the economic health of the state, these child abuse and domestic violence prevention programs can feel comfort because they have a reliable funding stream. General Morrison believes that the relative uncertainty of the annual appropriation process does not serve the recipients of these grants well.

Attorney General Morrison certainly applauds the motivation behind this legislation. General Morrison recognizes the fact that these funds are non-judicial recipients of court docket fee revenue. General Morrison also recognizes the Legislature's interest in oversight and accountability in the grant administering process. General Morrison shares the Legislature's goal of increased accountability and looks forward to working towards achieving this goal.

Ultimately, it is the Attorney General's belief that the continued and uninterrupted funding of these grant recipients is of paramount importance.

Thank you for allowing me to testify today. I look forward to answering any questions you may have.



YMCA of Topeka
We build strong kids,
strong families, strong communities

Senate Judiciary Committee
January 18, 2007
The Honorable John Vratil, Chairman
Testimony in Opposition to SB 17

Senator Vratil and honorable members of the Senate Judiciary Committee:

Thank you for allowing me to testify before you this morning in opposition to Senate Bill 17. I am Lynn Jenkins and today I am appearing as the current President of the YMCA of Topeka. The Topeka YMCA operates a program we call Safe Visit. It is one of the many supervised child visitation and exchange centers serving Kansans. The Kansas centers, their locations and the list of their most recent grants from the Office of the Attorney General are attached to my testimony. I have been asked to speak on their behalf this morning, as well. Representatives from many of these programs are in the committee room this morning and I'm certain any of them would be available to answer questions in greater detail if committee members have specific questions I cannot answer.

KSA 75-720 directs that the Attorney General of the State of Kansas provide for child exchange and visitation centers throughout the state for victims of domestic or family violence and their children to allow court-ordered child exchange or visitation in a manner that protects the safety of all family members. The law further provides for the funding of these centers by and through a fund in the state treasury with expenditures from this fund being made in accordance with appropriations acts and pursuant to actions taken by the attorney general or his designee. If passed, SB 17 would eliminate this funding by striking the docket fees collected for this program and others. The bill makes no provisions for replacing these dollars.

The programs operated in Topeka and in communities across Kansas provide a vital and often court-ordered service for supervised visitation and exchanges. The funding they receive from the state is carefully scrutinized by the office of the Attorney General and programs are funded only after they have complied with an annual site review by the Governor's office grant staff and the office of the Attorney General. In addition, all centers must comply with statewide guidelines established by the Attorney General as well as criteria established by the National Visitation Network. Funds ultimately distributed by the Attorney General's office are awarded on a competitive grant basis. Thus, they do receive abundant scrutiny and there is considerable competition for these funds.

Downtown Branch • 421 Van Buren • Topeka, Kansas 66603 • 785-354-8591
Kuehne Branch • 1936 N. Tyler • Topeka, Kansas 66608 • 785-233-9815 • Fax: 785-232-6224
Southwest Branch • 3635 SW Chelsea Ave • Topeka, Kansas 66614 • 785-271-7979 • Fax: 785-271-7979
Camp Hammond • 6320 SE Stubbs Rd. • Tecumseh, Kansas 66402 • 785-379-5385

YMCA mission: To put Christian principles into practice through programs that build healthy spirit, mind and body for

Senate Judiciary

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Attachment 11

In fact, one could argue that these programs receive more scrutiny than do other programs operated by various state agencies. Just because they are not funded from State General Fund dollars, they don't escape abundant review, oversight and accountability. Furthermore, not once has there been a suggestion that these programs are somehow failing in their mission to meet the needs of the vulnerable Kansans they serve. The difficulties they've faced have all been linked to scarce resources and growing demands for service. So SB 17 appears to be a solution to a problem that just doesn't exist.

For FY 07, 12 centers were awarded a total of \$203,974 from the Office of the Attorney General. As you can see from the list attached to my testimony, these state funds are minor in terms of the state's overall budget, but for these programs the state dollars are critical for their survival. That is why we ask you to set aside Senate Bill 17 and not advance it through the legislative process.

We believe there is strong legislative and community support for these programs and a sincere recognition for their need. Last year, you heard our plea for more stable funding for child exchange and visitation centers and enacted new funding. The recently imposed \$9 fee on all divorce filings will allow the Attorney General to expand this program and serve Kansas children and families in additional communities. We applaud you for that action and ask that this year you not undo that initiative.

Children in Kansas deserve the safe, structured, neutral environment that these visitation and exchange centers in our state provide. There is no doubt that without these centers, children would often not be afforded any parental contact or communication. That's the sad reality of conflict that exists in broken families today.

Instead of eliminating funding for these centers as SB 17 would do, I would respectfully suggest that lawmakers interested in this program allow our current Attorney General adequate time to review the programs and forward any recommendations to this committee upon the completion of those efforts.

Thank you for taking the time to hear our concerns.

FY07
STATE CHILD EXCHANGE AND VISITATION CENTERS (CEVC)
APPLICATIONS

11-3

12 AWARDED: \$203,974.00

AGENCY	PROJECT NAME	COUNTIES SERVED	AWARDED
<p>The Farm, Inc. (doing business as TFI Family Services) 528 Commercial Emporia, KS 66801 785-729-2664 785-749-2691 (fax) Sarah Weides sarahw@the-farm.org</p>	<p>Douglas County Visitation and Exchange Center 07-CEVC-01</p>	<p>Douglas</p>	<p>\$20,185.00</p>
<p>12th Judicial District Supervised Visitation and Child Exchange Services 811 Washington, Suite 103 Cloud County Courthouse Concordia, KS 66901 785-335-2877 785-243-8179 (fax) Kristy J. Shrader kbshrader@nckcn.com</p>	<p>12th Judicial District Supervised Visitation and Child Exchange Services 07-CEVC-02</p>	<p>Cloud, Jewell, Washington, Republic, Mitchell, Lincoln</p>	<p>\$13,685.00</p>
<p>Sexual Assault/Domestic Violence Center, Inc. 400 West 2nd, Suite B Hutchinson, KS 67501 620-665-3630 620-665-3609 (fax) Candace A. Dixon sadv@nbc.kscoxmail.com</p>	<p>Child Visitation and Exchange Center 07-CEVC-03</p>	<p>Reno</p>	<p>\$20,185.00</p>

AGENCY	PROJECT NAME	COUNTIES SERVED	AWARDED
<p>Hope Unlimited, Inc. PO Box 12 Iola, KS 66749 620-365-7566 620-365-2016 (fax) Dorothy Sparks dbshu@iolaks.com</p>	<p>Child Exchange & Parenting Center 07-CEVC-04</p>	<p>Allen, Anderson, Neosho, Wilson, Woods</p>	<p>\$11,085.00</p>
<p>Wichita Children's Home 810 N. Holyoke Wichita, KS 67208 316-684-6581 ext. 221 316-684-7249 (fax) Becky Brewer b_brewer@wch.org</p>	<p>WCH Child Access Program 07-CEVC-05</p>	<p>Sedgwick County – May work with other counties as needed.</p>	<p>\$18,200.00</p>
<p>KVC Behavioral HealthCare, Inc. 607 Tauromee Avenue Kansas City, KS 66101 913-621-3523 ext. 209 913-312-0074 (fax) Debra Whited Burnham dburnham@kvc.org</p>	<p>Wyandotte County Family Resource Center, Family Matters Center 07-CEVC-06</p>	<p>Johnson</p>	<p>\$13,365.00</p>
<p>First Judicial District CASA Association 520 S. 4th Street Leavenworth, KS 66048 913-651-6440 913-651-6494 (fax) Jennifer Swartz, Executive Director lv1casa@sbcglobal.net</p>	<p>Parenting Time Program 07-CEVC-07</p>	<p>Atchison, Leavenworth</p>	<p>\$20,185.00</p>

AGENCY	PROJECT NAME	COUNTIES SERVED	AWARDED
YMCA 2036 NW Taylor Topeka, KS 66608 785-234-4677 785-234-5466 (fax) Connie Sanchez, Administrator safevisit@kansas.net	YMCA Save Visit Program 07-CEVC-08	Shawnee	\$20,185.00
Sunflower CASA Project, Inc. PO Box 158 Manhattan, KS 66505 785-537-6367 785-537-5008 (fax) Jayme Morris-Hardeman, Exec. Dir. jayme@interkan.net	Sunflower Bridge – Riley County Child Exchange and Visitation Center 07-CEVC-09	Riley, Clay, Pottawatomie	\$13,685.00
SOS, Inc. PO Box 1191 Emporia, KS 66801 620-343-8799 620-343-9460 (fax) Susan K. Moran smoran@soskansas.com	SOS Child Visitation and Exchange Center 07-CEVC-10	Lyon, Chase, Greenwood, Morris, Coffey	\$20,185.00
St. Francis at Ellsworth, Inc. 509 E. Elm Salina, KS 67401 785-825-0563 785-825-0623 (fax) Richard Waltman richard.waltman@st-francis.org	Child Exchange and Visitation Program 07-CEVC-11	Saline	\$20,185.00

11-6

AGENCY	PROJECT NAME	COUNTIES SERVED	AWARDED
Crisis Resource Center of Southeast Kansas, Inc. 669 S. 69 Hwy Pittsburg, KS 66762 620-231-8692 620-231-8693 (fax) Shelley Phillips Corley scorley@cpol.net	Child Exchange & Visitation Center 07-CEVC-12	Bourbon, Crawford, Cherokee, Chautauqua, Elk, Labett, Montgomery, Neosho, Wilson, Woodson, Linn	\$12,844.00



Kansas CASA Association * 103 E. 27th * Hays, KS 67601
785-625-3049 * Fax 785-625-4370 * kansascasa@ruraltel.net

**Testimony
Senate Bill 17
Senate Judiciary Committee
January 18, 2006**

Thank you Mr. Chairman,

My name is Lois Rice and I am here speaking as a member of the Kansas CASA (Court Appointed Special Advocates) Association. I am also the Director of CASA of Johnson and Wyandotte Counties.

The Kansas CASA Association is a statewide organization representing the 24 CASA programs in Kansas, each of which is a not-for-profit ran by people in the local communities. Our mission is to promote and support the development and growth of the CASA programs in Kansas.

We appear before this committee today in opposition to SB 17 that removes docket fees used to fund what we believe are important programs including CASA. However, our issue is not about which funding stream is used, our issue is about ensuring there is continued funding for the CASA system in the state. We believe that this proposal could jeopardize both the funding and the CASA programs across the state.

Each year over 5,500 children in the state of Kansas find themselves involved in the court system. Some children are victims of abuse and violence; others have been neglected or abandoned by their parents. Additionally, most of the children are frightened and confused. Unfortunately, many times these same children become victims again – victims of an overburdened court and child welfare system and a complex legal network of lawyers, social workers and judges. Statistics show many children will languish in the systems meant to protect them.

For over 25 years, CASA (Court Appointed Special Advocate) programs have provided advocacy for these often overlooked children. CASA volunteers serve as the eyes and ears of the court and the voice for the child. CASA volunteers demand that these children receive prompt and thorough attention by remaining with the child until the close of the case (typically a safe return to the home or adoption). Since 1981, this unique concept has been implemented in 78 of the 105 counties in the state of Kansas. Now, twenty-four programs are advocating for abused and neglected children in Kansas. In 2005, those programs served 1,967 abused or neglected children.

For CASA programs to operate they must raise approximately 85% of their own funding through grant writing, fund-raisers, city & county funds and some through their local United Way. Funding is needed in order to provide quality advocacy services to abused and neglected children throughout Kansas. Funding for local programs, especially in the less populated areas, has become increasingly difficult to find each year. Additional funding is needed to sustain and expand CASA in this state. We fear that this bill, while not intended to remove funding from programs like CASA, will in effect jeopardize what has historically been a relatively stable funding source. Please proceed cautiously and ensure other funding is in place before withdrawing the support that has been provided through the docket fees.

I appreciate the opportunity to address the Senate Judiciary committee and would be happy to address any questions the committee members may have.

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Information about CASA

What is a Court Appointed Special Advocate or CASA?

A Court Appointed Special Advocate is a trained community volunteer. Each volunteer is an ordinary person who does extraordinary work for children. They are independent advocates appointed by a juvenile judge to speak for an abused or neglected child's best interests. They come from all walks of life.

What does a CASA volunteer do?

Each advocate shall investigate the case and provide independent factual information, monitor compliance with the court's orders and assist the attorney ad litem in representing the juvenile's best interests. The volunteer will talk to everyone involved in the case and review all files to get a complete picture of the case.

What kind of training do CASA volunteers have?

Training must include roles and responsibilities of the CASA volunteer, the juvenile court process, child abuse and neglect, Kansas and federal law, confidentiality and record keeping, child development, permanency planning, community agencies and resources, communication and information gathering, advocacy, and cultural competence. Volunteers receive at least 15 hours of training initially and are required to attend additional training according to the policies of the individual CASA program.

Are volunteers screened?

Yes. Volunteers are screened closely for objectivity, competence and commitment. Each volunteer must submit a written application; have reference checks, a criminal background check, a child abuse central registry check and an interview.

Do volunteers have to maintain confidentiality?

Yes. Confidentiality is in the law, is part of our national and state standards for volunteers, and is discussed extensively in training.

Does CASA help children?

Yes, according to a number of research studies. Cases randomly assigned to CASA volunteers have a higher rate of receiving permanent placements. Having a CASA volunteer reduces the length of time children spend in out-of-home care, reduces the number of changes in placement, and increases the number of children who return home.

What if the CASA volunteer disagrees with the worker or with the Guardian ad litem?

The CASA volunteer's report will still be submitted to the court. The volunteer's concerns and recommendations may differ from those of the family service worker and/or the attorney ad litem.

What does the CASA volunteer tell the judge?

The CASA volunteer submits a court report and may also testify. The report will include information on who was interviewed and what documents were reviewed, what facts the CASA volunteer learned, what their concerns are, and what recommendations the CASA volunteer has.

How many cases can a volunteer carry?

Most of our volunteers have full-time jobs and carry, on average, 1.5 cases.

How many CASA programs are there in Kansas?

There are twenty-four, serving 26 judicial districts and 78 counties.

How do I find a CASA program near me?

Contact the Kansas CASA Association, Inc. at 1-888-CASA191.

Kansas CASA Program Directory

1st Judicial District

Jennifer Swartz, Executive Director
1st Judicial District CASA
100 S. 5th Street
Leavenworth, KS 66048
(913) 651-6440
Fax: (913) 651 6494
LV1CASA@sbcglobal.net

3rd Judicial District

Sharolyn Dugger, Executive Director
CASA of Shawnee County, Inc.
501 SE Jefferson, Suite 2002
Topeka, KS 66607
(785) 215-8280 Sharolyn's line
(785) 215-8282
Fax: (785) 354-1740
sharolyn.dugger@shawneecocasa.org

4th Judicial District

Sara Caylor, Director
CASA of the 4th Judicial District
315 S. Main, 3rd Floor
Ottawa, KS 66067
(785) 229-8996
Fax: (785) 229-8997
scaylor@mail.franklincoks.org

5th Judicial District

Mickey Edwards, Executive Director
CASA of the Flint Hills
PO Box 1191
25 W. 5th
Emporia, KS 66801
(620) 343-2744
Fax: (620) 343-3070
medwards@soskansas.com

6th Judicial District

Christa Horn, Program Director
Bourbon County CASA
P.O. Box 146
303 E. Wall
Ft. Scott, KS 66701
(620) 223-2407
bbcocasa@cpol.net

7th Judicial District

Kerry Tummons, Executive Director
Douglas County CASA, Inc.
1100 Massachusetts St.
Lawrence, KS 66044
(785) 832-5172
Fax: (785) 832-5359
ktummons@douglas-county.com

8th Judicial District

Vacant, Executive Director
CASA of the 8th Judicial District
801 N. Washington St., Ste C
Junction City, KS 66441
(785) 762-3907 ext. 1352
Fax: (785) 762-2915
gearyctycasa@hotmail.com

9th Judicial District

Vacant
CASA: A Voice for Children, Inc.
Harvey County Courthouse
P.O. Box 687
7th & Main, Suite 206
Newton, KS 67114
(316) 284-6909
Fax: (316) 284-6884
casa-crb@myway.com

10th and 29th Judicial District

Lois Rice, Executive Director
CASA of Johnson and Wyandotte Counties
P.O. Box 31
100 E. Park, Ste 209
Olathe, KS 66051-0031
(913) 715-4040
Fax: (913) 397-0337
lois.rice@jocogov.org

Kansas CASA Program Directory

12th Judicial District

Carol Miller, Executive Director
North Central Kansas CASA, Inc.
Cloud County Courthouse
811 Washington St.
Concordia, KS 66901
(785) 243-8200
(785) 243-3322 (home)
Fax: (785) 243-8191
nckcasa@cloudcountyks.org

13th Judicial District

Janett Jacobs, Director
Tri-County CASA, Inc.
214 W. Central
El Dorado, KS 67042
(316) 320-0238
1-866-274-7761
Fax: (316) 322-7797
tricitycasa@gmail.com

14th Judicial District

April Read, Director
CASA of the 14th Judicial District
P.O. Box 502
319 W. Laurel
Independence, KS 67301
(620) 331-0087
Fax: (620) 331-0087
casaoftthe14thjd@terraworld.net

16th Judicial District

Kristin Hodges, Director
CASA-Children Worth Saving, Inc.
P.O. Box 843
236 San Jose, Rm 130
Dodge City, KS 67801
(620) 225-1278
Fax: (620) 225-0815
casadodge@sbcglobal.net

17th Judicial District

Kristal Stanton, Director
CASA of the 17th Judicial District, Inc.
P.O. Box 160
Osborne, KS 67473
(785) 345-4120
Fax: 785-345-4215
casa17@ruraltel.net

18th Judicial District

Patty Wright, Executive Director
CASA of Sedgwick County
807 North Waco, Ste. 23
Wichita, KS 67203
(316) 866-2920
Fax: (316) 866-2923
pwright@casaofsedgwickcounty.org

19th Judicial District

Mary Jarvis, Executive Director
CASA of Cowley County, Inc.
103 ½ E. 9th, Suite 300
Winfield, KS 67156
(620) 221-6467
(800) 954-0213
Fax: (620) 221-6553
casaofcc@hotmail.com

20th Judicial District

Vivian Bartlett, Executive Director
Central Kansas CASA, Inc.
1806 12th St.
Great Bend, KS 67530
(620) 793-1960
Fax: (620) 793-1961
casa@cpcis.net

21st and 2nd Judicial District

Jayne Morris-Hardeman, Executive Director
Sunflower CASA Project, Inc.
115 N. 4th
Manhattan, KS 66505-0158
(785) 537-6367
Fax (785) 537-6382
sunfcasa@interkan.net
jayne@interkan.net

23rd Judicial District

Edna Hansen, Executive Director
CASA of the High Plains, Inc.
103 W. 13th St.
Hays, KS 67601
(785) 628-8641
Fax: (785) 9409
casa@media-net.net

Kansas CASA Program Directory

24th Judicial District

Vacant, Director
24th Judicial District CASA, Inc.
Box 162
Lacrosse, KS 67548
785-222-3282
Fax 785-222-3665
casa24th@gbta.net

Kansas CASA Association, Inc.

Janette Meis, State Coordinator
103 E. 27th Unit C
Hays, KS 67601
(785) 625-3049
(888) 227-2191
Fax: (785) 625-4370
kansascasa@ruraltel.net

25th Judicial District

Susan Escareno, Executive Director
Spirit of the Plains, CASA
603 N. 8th
P.O. Box 656
Garden City, KS 67846
(620) 271-6197
Fax: (620) 271-6196
casa@wbsnet.org

27th Judicial District

Sharon Stokes, Executive Director
Visions of Hope, Inc.
CASA for Children of Reno County
206 W. 1st St.
Hutchinson, KS 67501
(620) 662-1688
Fax: (620) 662-4737
vohinc@hotmail.com

30th Judicial District

Tammy Bradbury, Director
CASA: Children's Advocates
P.O. Box 645
120 E. 9th
Wellington, KS 67152
(620) 326-8919
Fax: (620) 326-5576
casaadvocates@hotmail.com
tabradbury@yahoo.com

31st Judicial District

Jane Brophy, Director
CASA of the 31st Judicial District
1 N. Washington, Iola, KS 66749
Mailing: P. O. Box 433, Chanute, KS 66720
(620) 365-1448
jbrophyks@sbcglobal.net

Revised 1/07



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

Senate Judiciary Committee
January 18, 2007

Mark Gleeson, Family and Children Program Coordinator
Office of Judicial Administration
Testimony in Opposition to Senate Bill 17

I am appearing today to oppose SB 17 for two reasons. The first is that eliminating docket fee funding for the Permanent Families Account in the Family and Children Investment Funds would be very harmful to Court Appointed Special Advocate (CASA) programs and Citizen Review Board (CRB) programs. The second reason is that the current implementation date for SB 17 does not provide adequate time for programs impacted by the stoppage of docket fees to replace that lost funding source.

Court Appointed Special Advocate Programs are independent, not for profit programs organized for the sole purpose of providing assistance and advocacy to children under the jurisdiction of the court. CASA volunteers participate in case reviews, meet with guardians *ad litem*, SRS workers, contract case workers, parents, foster parents, and, most importantly, the children. They attend hearings and are required to submit reports to the court. CASA programs serve 25 judicial districts. In FY 2006, CASA workers served 2,011 Kansas children. The \$23,000 received from docket fees has gone a long way to help those Kansas children most vulnerable and most in need of help, and the loss of this funding would be a blow to these programs.

Citizen Review Board programs exist in 11 judicial districts. Volunteers are trained and assigned to boards to conduct review hearings and permanency hearings in child in need of care and juvenile offender cases. In FY 2006, these boards conducted hearings involving 553 children and their parents. Funding for CRB's comes from docket fees, duplicate birth certificate fees, and a small amount of federal IV-E funds. Citizen Review Boards are organized by the local judicial districts and are prohibited from fund raising. This makes the 8% of the total CRB funding that comes from docket fees essential to these barebones programs. CRB programs, in particular, would be at risk for closing by the 8% funding reduction that would result from enacting SB 17 in its current form.

Court Appointment Special Advocate and Citizen Review Board programs are court programs. Although CASA programs are independent, not for profit organizations, they exist to serve the court and the children under the jurisdiction of the court. Citizen Review Board programs are organized under the administrative authority of the court and exist solely for the purpose of bringing the public voice into the court process. This not only inserts an important citizen participation component into the child welfare process, but it also takes some of the

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January 18, 2007
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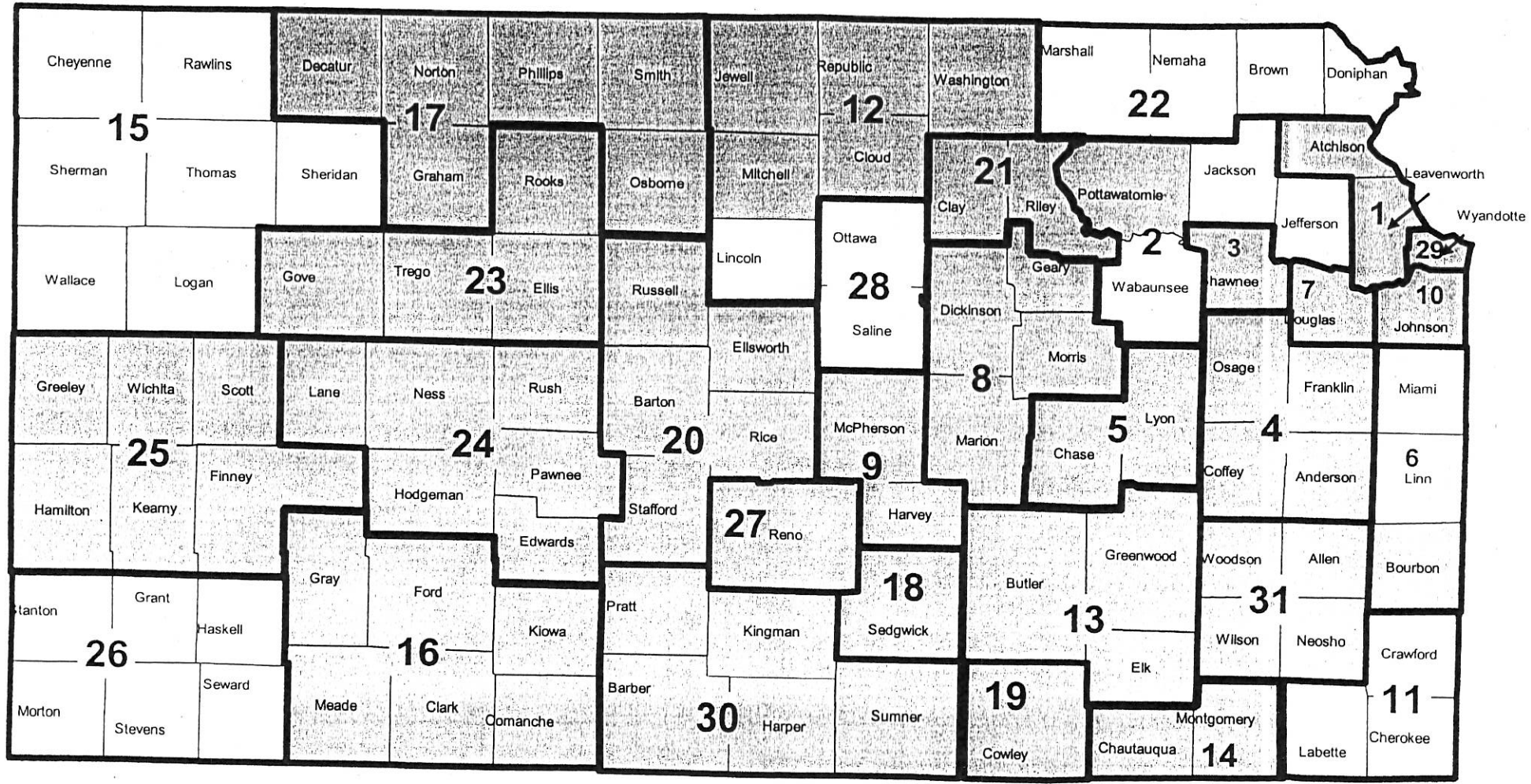
pressure off of busy court dockets by conducting some hearings which would otherwise be conducted by a judge.

Finally, if passed, the implementation date of July 1, 2007, does not allow targeted programs time to adjust budgets or to raise additional funds. The bill's intent appears to be that the percentage split of docket fees received by these programs would stop on July 1, 2007, although a technical adjustment may be necessary to accomplish that intent. While I understand that the intent of the bill is that these programs will be able to request funding from the State General Fund to replace docket fee funding, that does not appear likely within the time frame of this bill. Senate Ways and Means Subcommittees and House Budget Committees will begin their budget hearings for the FY 2008 budget in the next few weeks. If CASA and CRB programs are to request State General Fund financing to replace docket fee funding for FY 2008, which begins on July 1, 2007, they will need to do it within the next few weeks. It appears that the Ways and Means and Appropriations Committee members would be placed in the position of appropriating money for FY 2008 that may or may not be needed, based upon whether or not this bill is enacted into law. If the percentage split amendments included in this bill were to become effective July 1, 2008, rather than July 1, 2007, the entities affected would have the opportunity to appear before the 2008 Legislature and request SGF funding if this bill is enacted into law.

I urge you to reinstate docket fee funding for the Permanent Families Account in the Family and Children Investment Fund to support CASA and CRB programs.

Kansas Counties

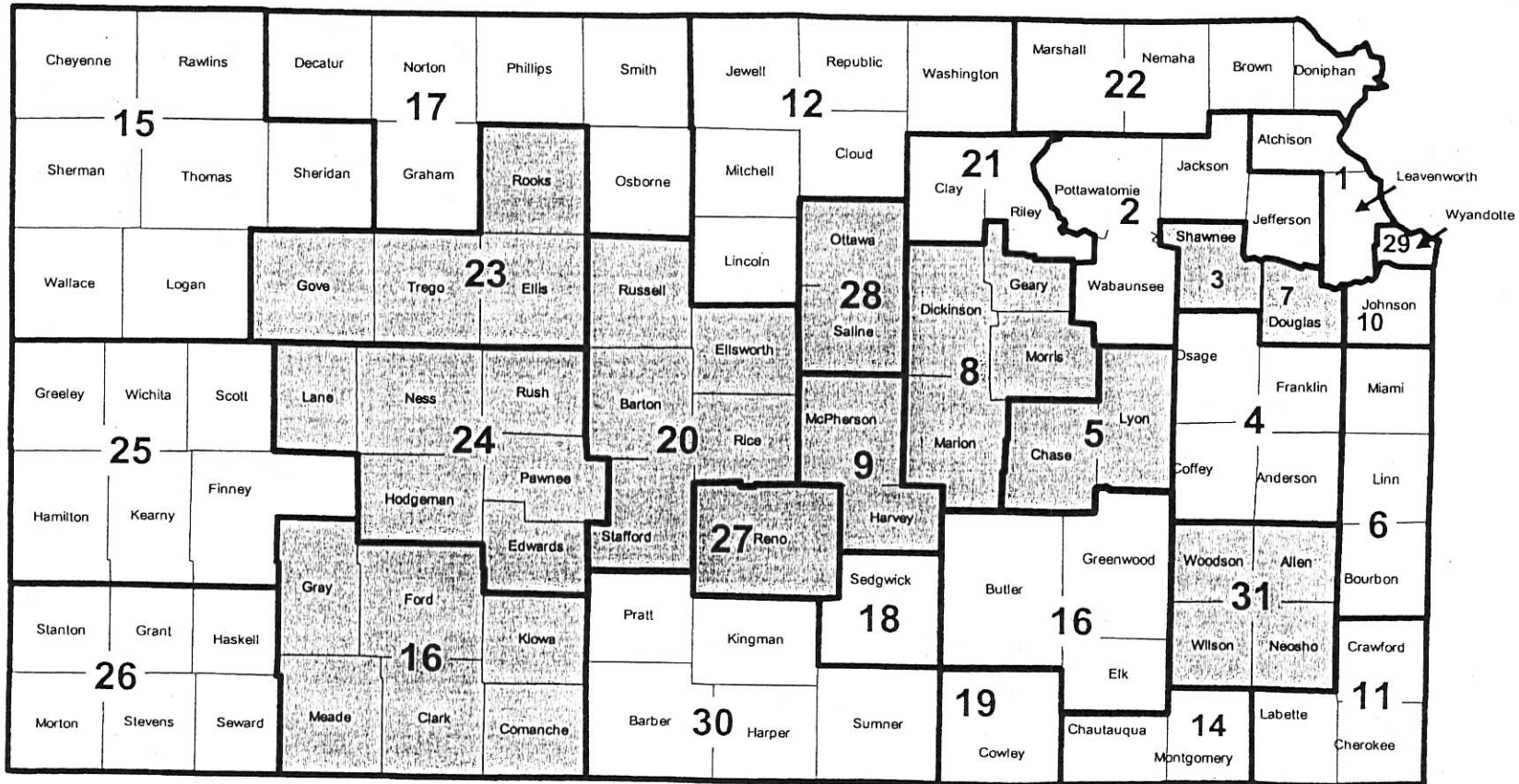
Certified CASA Programs



- Counties with Developing CASA Programs
- Counties with Certified CASA Programs
- Counties with No CASA Programs

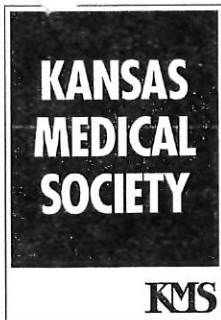
Kansas Judicial Districts

Certified Citizen Review Boards



Judicial Districts without Citizen Review Boards, 67 63.8%

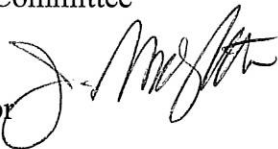
Judicial Districts with Certified Citizen Review Boards, 38 36.2%



623 SW 10th Avenue
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To: Senate Judiciary Committee

From: Jerry Slaughter
Executive Director 

Subject: SB 17; Concerning docket fees and the Trauma Fund

Date: January 18, 2007

The Kansas Medical Society appreciates the opportunity to appear in opposition to that portion of SB 17 which would remove the principal source of financial support of the Kansas Trauma Program (page 3, line 23), which is docket fees.

In 1999 the legislature enacted legislation that led to the development of the first comprehensive statewide trauma system plan. In the intervening eight years the Kansas Trauma Program, administered by the Kansas Department of Health and Environment, with the full support and participation of stakeholder groups such as KMS and others, has done exactly what was intended by that original legislation. Because motor vehicle crashes – then and now – are the leading cause of death and disability, the legislature dedicated a portion of the docket fees from moving violations to support the activities related to the Kansas Trauma Program. SB 17 would eliminate docket fees as a continuing source of funding for trauma activities.

While we understand the desire on the part of the judicial system to dedicate docket fees primarily to court-related functions, we are opposed to eliminating this source of funding for vital trauma programs without an explicit source or future funding. Our concern is that expecting state general fund support for legislatively mandated trauma activities, particularly when that support will appear as an entirely new financial obligation, could result in substantially reduced financial support in the out years. The Trauma Program already operates on a relatively austere budget, and any reductions in funding would have a significant impact on the effectiveness and reach of the program. We would encourage the legislature to continue the financial support from docket fees until some other viable funding mechanism is identified and agreed upon. Thank you for the opportunity to appear on this matter.

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 ksna@ksna.net



ELLEN CARSON, PH.D., A.R.N.P., B.C.
 PRESIDENT

THE VOICE AND VISION OF NURSING IN KANSAS

TERRI ROBERTS, J.D., R.N.
 EXECUTIVE DIRECTOR

For More Information Contact:
 Terri Roberts J.D., R.N.
 785.233.8638 or troberts@ksna.net

S.B. 17 Eliminating Certain Funds from Docket Fees *January 18, 2007*

Chairman Vratil and members of the Senate Judiciary Committee, my name is Susan Bumsted M.N., R.N. and I represent the KANSAS STATE NURSES ASSOCIATION, the professional organization for registered nurses in the state. We are here to voice concerns about this bill which proposes to eliminate the dedicated funding source for trauma system development in the state. We know that the Interim Committee on Judiciary recommended this bill and is aimed at aligning “judiciary funding” with appropriate revenue sources.

Currently the amount of money that is allocated from these docket fees to the *Trauma Fund* is between \$320,000 and \$350,000 annual. This revenue provides over 50% of the money used for trauma system development throughout the state. The use of a percentage of the docket fees from moving violations (district and municipal) was statutorily authorized in 1999. During the debate on that legislation the overwhelming theme for justifying this dedicated funding source was that motor vehicle crashes are by far the leading cause of trauma. This has not changed in eight years.

Throughout the state RN’s are responsible for receiving trauma patients in emergency rooms and stabilizing them during the *golden hour*. Flight RN’s do this work aboard fixed- wing planes, helicopters and ambulances in the rural parts of our state. RN’s also provide care for trauma patients during their recovery and rehabilitation. Having a system that provides the infrastructure, resources, properly trained licensed healthcare personnel and communication plan to provide the special care trauma victims need is the standard we have established and will work to maintain and improve. The trauma fund for the past 8 years has supported trauma education for RN’s, MD’s, and EMT’s, provided a statewide data collection system for the 123 Kansas hospitals, provided staff support for the six regional trauma councils and regional trauma plan development, training and prevention. It also supports the state trauma office at the Kansas Department of Health and Environment (KDHE) and activities of the Advisory Committee on Trauma (ACT). Kansas has made great progress and a long range plan for trauma care has been developed that includes developing Level 3 trauma centers in areas of the state where resources are limited. Without a dedicated funding source, the viability of this plan and continuing the progress we have made would be jeopardized.

We know that the Interim Committee wanted to insure that these dedicated funding streams were reviewed by the legislature to insure relevancy and accountability. The KDHE Budget is reviewed annually, and it has included the Trauma Fund projected income and expenses since FY 2000. It is reviewed by both legislative chambers as part of the KDHE budget. Additionally, the ACT provides an annual report to the Legislature about its activities and the progress of trauma plan development and implementation in our state.

We believe that there is a sufficient nexus to retain dedicated funding of the Trauma Fund from the docket fees that was established in 1999. Thank you for this opportunity to speak on this important funding issue.

To: Senate Judiciary Committee
Re: SB17

The Kansas Sheriff's Association comes before you today in opposition of SB17, in regards to the funding of the Kansas Law Enforcement Training Center. Currently the Kansas Law Enforcement Training Center is funded through Docket Fees. Under SB17 KLETC would no longer be funded through specifically designated docket fees, rather KLETC would be funded through state general fund dollars. The Sheriff's Association has deep concerns about moving KLETC to state general funds.

The current system utilized to fund KLETC is working and KLETC has been fortunate to receive proper funding. If moved and funded through state general funds will KLETC continue to receive the funding necessary to properly staff, house and train officers at the academy or will KLETC fall victim to inadequate funding. Sheriff's would contend that the training of our officers is far too important to remove KLETC from its current funding mechanism by using Docket fees designated for KLETC and placing KLETC into state general fund dollars.

How is Docket fees created? There are many methods in which docket fees are collected, including the criminal court system. Either through the issuing of NTA's(traffic tickets) or through the filing of criminal complaints and then convictions. Local law enforcement agencies pay the salaries and for the equipment of these officers. Through their work a portion of the docket fees collected in Kansas pay for the services provided by KLETC.

In fact in the 2006 Legislature the docket fees collected on behalf of KLETC were increased to ensure that adequate funding was available for necessary expansion and to ensure that KLETC could provide the training needed by Kansas law enforcement.

I think it is important to note that KLETC not only provides and is responsible for the basic training of police officers in Kansas but as well they provide advanced leadership training, specialized training and provide training so that officers can acquire their mandated 40 hour annual certification training. Without a doubt KLETC is a valuable partner for Kansas Law Enforcement and the Kansas Sheriff's Association would support retaining the current method of funding KLETC through the collection of Docket Fees.

Sincerely,

Randy L. Rogers
Legislative Chair
Kansas Sheriff's Association

Senate Judiciary

1-18-07

Attachment 16

Senate Judiciary Committee
January 18, 2007

Submitted by:
Maureen M. Mahoney
Guardian ad Litem
Wyandotte County

~~HB-45~~ SB 17

Court Appointed Special Advocates (CASA) fills a special role in our child welfare system. They cross willingly into a world most of us never enter beyond a newspaper headline or a story heard second hand. I do not work as a CASA nor was I asked to testify by any CASA organization but as a Guardian ad Litem, I see the benefits of their work first hand.

Each child welfare case is unique and never simple. The addition of one constant (appointment of a CASA) in a sea of social workers, therapists, district attorneys, Guardians ad litem, judges and other professionals can work wonders for the child and extended families.

Judges are the engines that drive the child welfare system. The rest of us maneuver around the courtroom but the judge has the ultimate responsibility as the decision maker. But even the best judge is rendered helpless if he or she has no or inadequate information. This is where the CASA can be vital.

I realize the question for most of us today is not the validity of the CASA program but how it should be funded. While not a big fan of docket fees, I have some real concerns about the ability of these programs to join the many other vulnerable parties who have to fight and appeal to legislators as part of the appropriations process. We all know the pie is only so big and I would hate to see this program go away because of the process. CASA is an adjunct to the courts unlike other social service programs and I believe it is a better fit to fall under the docket fees plan.

One possibility could be for this committee to continue the docket fees arrangement while taking on the role of monitoring what programs will benefit from those fees. This committee could review the groups receiving funds and insure they are appropriate and connected to court issues. This change could also allow this committee to ask these groups to report on progress being made through these programs. This committee would seem to be better suited for that oversight in this particular set of circumstances.

In any event, my request today is a personal one but I speak for many. Please help CASA continue its good work.

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1-18-07
Attachment 17

**Testimony on SB 17- Docket Fees
Senate Judiciary Committee**

**by Heather Morgan
Director of Public and Legislative Affairs**

January 18, 2007



Heather Morgan
Director of Public and Legislative Affairs
785-296-5543
hmorgan@ksjja.org

Senate Judiciary

1-18-07

Attachment 18

Mr. Chairman, thank you for the opportunity today to address SB 17 and its effect on the Juvenile Justice Authority. JJA receives court docket fees into two different funds. The first of these funds is the **Juvenile Detention Facilities Fund (JDFF)** which receives 3.27 percent of District Court Clerk Fees according to KSA 20-367.

JDFF Actual and Estimated Revenue from District Court Fees

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
Motor Vehicle Op & Chauffer Licenses	397,990	408,858	412,000	415,000
District Court Clerk Fees	592,589	594,806	598,000	600,000
Other Fines, Penalties, & Forfeitures	234,011	266,715	270,000	273,000
Other Rents & Royalties	20,111	20,166	20,110	20,110
Other Misc. Revenue	574,419	571,546	570,000	572,000
Recovery of Current Year Expenditures	0	0	0	0
Gaming Revenues Transfer	2,496,000	2,496,000	2,496,000	2,496,000
Insurance Reimbursements	0	0	0	0
Residual Transfers In	0	0	0	0
TOTAL	\$ 4,315,120	\$ 4,358,091	\$ 4,366,110	\$ 4,376,110

Historically, district court fees have accounted for 13.7% of all JDFF revenues.

FY 2006 JDFF Expenditures

*Debt Service on Local Juvenile Detention Centers	\$ 603,918	14.85%
**Detention Per Diem Payments	\$ 2,388,799	58.73%
**Other Provider Payments	\$ 836,382	20.56%
***Grants to Local Juvenile Detention Centers	\$ 238,350	5.86%
TOTAL Expenditures	\$ 4,067,449	100.00%

*JJA is also responsible for retiring the debt service on locally owned and operated JDC's. KSA 79-4803 states, "There is hereby created in the state treasury the juvenile detention facilities fund which shall be administered by the commissioner of juvenile justice. The Kansas advisory group on juvenile justice and delinquency prevention shall review and make recommendations concerning the administration of the fund. All expenditures from the juvenile detention facilities fund shall be for the retirement of debt of facilities for the detention of juveniles; or for the construction, renovation, remodeling or operational costs of facilities for the detention of juveniles in accordance with a grant program which shall be established with grant criteria designed to facilitate the expeditious award and payment of grants for the purposes for which the moneys are intended. "Operational costs" shall not be limited to any per capita reimbursement by the commissioner of juvenile justice for juveniles under the supervision and custody of the commissioner but shall include payments to counties as and for their costs of operating the facility. The commissioner of juvenile justice shall make grants of the moneys credited to the juvenile detention facilities fund for such purposes to counties in accordance with such grant program. All expenditures from the juvenile detention facilities fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or the commissioner's designee." **Only absolutely necessary services are funded from the JDFF fund. The elimination of the docket**

fee revenue from this fund would require State General Fund to replace the loss.

****Detention Per Diem and Other Provider Payments:** JJA is required to pay juvenile detention centers (JDC's) for the cost to house youth who are in the custody of the Commissioner. JJA also uses the JDFF fund to cover other provider payments for the cost of housing youth in the custody of the Commissioner. These providers include foster care contractors, Level IV group homes, Level V group homes, Level VI group homes, and Emergency Shelters. Upcoming changes around Level V and Level VI group homes will increase the need for funds to cover those services. These costs must be covered by JJA to ensure that youth in custody receive adequate care and treatment. Costs for provider payments not covered by the JDFF are funded from the State General Fund (SGF) and through Federal Financial Participation (FFP) when allowable.

SERVICE TYPE	BUDGETED	SERVICE TYPE	BUDGETED
Detention	\$ 2,412,000	Diversion Foster Care	\$ 863,736
Residential Foster Care Level IV	\$ 2,025,634	Juvenile Offender Aftercare/Diversion	\$ 1,419,390
Emergency Shelter/Temporary Care	\$ 3,067,410	Residential Maternity	\$ 169,596
Transitional Treatment Foster Care	\$ 7,341	Satellite Foster Care	\$ 7,341
Emergency Family Foster Care	\$ 7,340	Correctional Therapy Foster Care	\$ 7,340
Extraordinary Placement	\$ -	Therapeutic Foster Care (State Only)	\$ 143,750
Add-Ons	\$ 231,213		
Subtotal--Non-Behavior Mgt	\$ 10,362,091		
Behavior Management Level V	\$ 6,882,645	Behavior Management Level VI	\$ 3,465,000
Psychiatric Residential Treatment Facility	\$ 20,674,170	Therapeutic Foster Care	\$ 143,750
In Home Family Treatment	\$ 298,030		
Subtotal--Behavior Mgt	\$ 31,463,595		
Level V Extension	\$ 353,611	Level VI Extension	\$ 350,070
Therapeutic Foster Care Extension	\$ 7,303		
Subtotal--Extensions	\$ 710,984		
Total--Expenditures by Service	\$ 42,536,670		

FUNDING	BUDGETED		BUDGETED
SGF--Other POS	\$ 6,004,277	SGF--Behavior Mgt	\$ 13,078,071
Total--SGF	\$ 19,082,348		

JDFF - Detention	\$ 2,387,999	JDFF - Non-Detention	\$ 1,269,211
TITLE IV-E Admin	\$ 1,161,589	JJFF (fee fund)	\$ 250,000
Total--Other State Funds	\$ 5,068,799		
Total--All State Funds	\$ 24,151,147		

TITLE XIX--Placements	\$ 18,290,666	TITLE IV-E--Placements	\$ 94,857
Total--Federal Funds	\$ 18,385,523		
Total--Expenditures by Fund	\$ 42,536,670		

***Grants to Local Juvenile Detention Centers: JJA provides small grants to help locally owned and operated JDC's cover the cost of operation. The table below summarizes these grants.

Juvenile Detention Facility Fund \$238,350.00				
Center Name	Detention/ Secure Care	License Date	Detention/ Secure Care%	Funding Per Facility
Franklin Co.	7	3/1/1999	1.50%	\$ 3,572.70
Greater Western Kansas (Trego)	13	3/9/2000	2.78%	\$ 6,635.01
Johnson Co.	70	2/6/2001	14.99%	\$ 35,726.98
Leavenworth	18	1/7/2004	3.85%	\$ 9,186.94
North Central KS	28	3/3/1999	6.00%	\$ 14,290.79
NE KS AKA Douglas Youth Services	18	3/22/2002	3.85%	\$ 9,186.94
Reno Co. Youth Services	19	7/6/2000	4.07%	\$ 9,697.32
Saline Co.	10	6/12/1996	2.14%	\$ 5,103.85
South East Kansas	25	12/20/2001	5.35%	\$ 12,759.64
Sedgwick Co.	108	10/30/1991	23.13%	\$ 55,121.63
Shawnee Co.	75	6/9/1998	16.06%	\$ 38,278.91
South West Kansas	28	7/20/1998	6.00%	\$ 14,290.79
Wyandotte Co.	48	9/15/1991	10.28%	\$ 24,498.50
TOTAL	467		100.00%	\$ 238,350.00

These figures do not include the Forbes detention numbers.

% is based on capacity licensed as of April 1, 2006

The second JJA fund, which receives 1.49 percent of district court clerk fees is the **Kansas Delinquency Prevention Trust Fund (KDPTF)** according to KSA 20-367. Docket fees account for 97% of the revenue into this fund. KSA 75-7021 created the KDPTF and states, "Money credited to the Kansas juvenile delinquency prevention trust fund pursuant to K.S.A. 20-367, and amendments thereto, or by any other lawful means shall be used solely for the purpose of making grants to further the purpose of juvenile justice reform, including rational prevention programs and programs for treatment and rehabilitation of juveniles and to further the partnership between state and local communities. Such treatment and rehabilitation programs should aim to combine accountability and sanctions with increasingly intensive treatment and rehabilitation services with an aim to provide greater public safety and provide intervention that will be uniform and consistent. Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas advisory group on juvenile justice and delinquency prevention in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the Kansas advisory group on juvenile justice and delinquency prevention."

KDPTF Actual and Estimated Revenue from District Court Fees

	FY 2005	FY 2006	FY 2007	FY 2008
District Court Clerk Fees	270,018	271,028	274,713	274,713
TOTAL Fund Revenue	286,443	288,899	284,474	284,474

KDPTF FY 2006 Grants to Communities

Shawnee County - Girl Scouts of Kaw Valley - Girl Scouts Beyond Bars	\$ 38,424.00
Thomas County - Regional Prevention Center - NW Kansas After School Project	\$ 14,490.75
Lyon County - USD 253 - Project QUEST	\$ 52,500.00
Sedgwick County - Rainbows United, Inc. - Proud of Me Preschool Project	\$ 47,146.50
Shawnee County - Family Service & Guidance Center of Topeka - PEACE Keepers	\$ 5,748.75
Shawnee County - Family Resource Center - Community Service Program	\$ 50,195.25
Sedgwick County - Mental Health Association of S Central Kansas - Pathways	\$ 30,000.00
Riley County - Regional Prevention Center of NE Kansas - Youth As Resources	\$ 24,870.75
TOTAL New Grant Awards	\$ 263,376.00

Removal of docket fees from receipt in the KDPTF would mean these grants to communities would not continue. Without docket fee revenue the fund would sit idle within one year. Prevention efforts are an important piece of JJA and help prevent youth from becoming more involved in the juvenile justice system and requiring more expensive intervention efforts. These docket fees help communities run very valuable prevention programs and could not continue without these funds.

WRITTEN TESTIMONY TO THE SENATE JUDICIARY COMMITTEE
REFERENCE SB 17
Presented by Ed Klumpp
On behalf of the
Kansas Association of Chiefs of Police

January 18, 2007

This testimony is in opposition of deleting direct funding of the Kansas Law Enforcement Training Center (KLETC) through District Court docket fees. We strongly urge the Committee to make the necessary changes to SB 17 on page 2, lines 4-8; and on page 6, lines 20 and 21, to retain this funding mechanism for KLETC.

The current funding mechanism for the Kansas Law Enforcement Training Center through District Court docket fees has been in place 1982. The 2006 Legislature approved an increase in the amount of the docket fees for KLETC as the result of a clearly demonstrated need for improvements of the facility and expanded training capacity. The needs and the way to fulfill those needs was presented in a Strategic Plan showing the path to accomplish the law enforcement training goals in Kansas. Without the increase in funding, there was no question KLETC would have to curtail some of their training programs. Other funding options were considered by the Legislature as that action was taken.

Late last year, KLETC went through the process of hiring an architecture firm to design the facility improvements. This action was based on the steady and consistent funding provided by the Legislature through the docket fee funding mechanism.

It is not clear to me, at this point, how the funding for KLETC is proposed to be assured without the docket fee funding source. KLETC staff has consistently shown their dedication to fiscal responsibility with the funding the legislatively approved docket fee provides. The docket fee process allows for a predictable level of funding each year. This method of funding also means the persons who cause the law enforcement case load are the ones paying for Kansas law enforcement training without placing it on the backs of law abiding Kansas taxpayers. Nothing could be more fitting for docket fee funding. It seems that the elimination of this funding provision prior to passage of another equally sustainable and consistent mechanism endangers the potential of KLETC to provide quality training for law enforcement.

I found it interesting that the bill would stop using the docket fee funding for KLETC while maintaining it for the training prosecuting attorneys, also a fitting funding recipient from docket fees. (See page 6, line 21.) Both training needs are due to the actions of those persons who pay docket fees.

We urge you to make these changes to this bill to assure continued quality law enforcement training in Kansas and to continue a proven funding mechanism. The quality of law enforcement is of vital interest to every citizen of Kansas and to every person visiting our state. These changes will assure the cost of that training will be borne by those convicted of violating the law and not by law abiding Kansans.



Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police
E-mail: eklumpp@cox.net; Phone: (785) 235-5619; Cell: (785) 640-1102

Senate Judiciary

1-18-07
Attachment 19



January 18, 2007

The Honorable John Vratil, Chairperson
and Members of the Committee
Senate Committee on Judiciary
Statehouse, Room 123-S
Topeka, Kansas 66612

Dear Senator Vratil and Committee Members:

Regarding Senate Bill 17, the Kansas Law Enforcement Training Center respectfully requests that the Bill be amended to retain funding for KLETC's critical public safety training mission from criminal and traffic court docket fees. In support of this request, the following testimony is submitted to your committee:

SUMMARY:

- The Legislature has funded KLETC with docket fees for 25 years. Docket fees are a stable earmarked revenue source not subjected to the competing demands and priorities associated with the State General Fund (SGF).
- KLETC is accountable to the Legislature, the Board of Regents, the University of Kansas, and Kansas Commission on Peace Officers' Standards and Training.
- Law enforcement training is an appropriate use for criminal and traffic docket fees because of the substantial role law enforcement officers play in the generation of those fees.
- Funding KLETC through the SGF may have the effect of reducing KLETC's legislative visibility and accountability.
- If the Legislature determines that docket fees are not an appropriate funding source for KLETC, KLETC would encourage the resurrection of HB 2570 from the 2006 Legislative Session. (HB 2570 proposed increasing vehicle registration fees to fund KLETC's critical facility and operational needs.)

KLETC Funding History: In 1982, the Legislature made KLETC one of the original programs to be funded with docket fees along with the law library fund, the prosecuting attorneys' training fund and the crime victims' reparations fund. A quarter of a century later, KLETC continues in its legislatively-mandated mission to provide high-quality basic training and continuing education to law enforcement officers from cities and counties throughout the State while receiving no funding for this program other than docket fees.

Fiscal and Program Accountability: As a part of the University of Kansas and under the supervision of



Kansas Law Enforcement Training Center is a unit of University of Kansas Continuing Education
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Senate Judiciary

1-18-07
Attachment 20

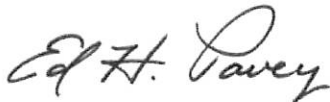
the Board of Regents, KLETC faces strict scrutiny in its budget and personnel decisions. KLETC presents an annual budget to University leadership; and through a budget hearing process, KLETC justifies all proposed expenditures. KLETC's budget then becomes a part of KU's overall budget request that KU submits to the Legislature for approval. While it is a small part of KU's overall budget request, the Legislature specifically approves and authorizes the spending from KLETC's law enforcement training center fund. Not only does KLETC have the fiscal oversight by KU, The Board of Regents and the Legislature, KLETC also is statutorily accountable to the Kansas Commission on Peace Officers' Standards and Training (KSCPOST) for the programs it offers.

Civil Docket Fees versus Criminal and Traffic Docket Fees: Arguments regarding the appropriate use of docket fees should be considered differently for civil cases versus criminal and traffic cases. In the civil court, citizens initiate cases to resolve private disputes and through this action generate civil court docket fees. The court resolves the dispute and ultimately enforces its judgment. In this regard, the state's involvement in the matter begins and ends in the court. Any involvement by other government actors is comparatively minor. However, the criminal and traffic docket fee is entirely different. Law enforcement officers initiate the government's involvement in criminal and traffic matters. The court's investment of time and resources into a criminal and traffic matter typically is much less than law enforcement's investment. In fact, when considering traffic tickets, most cases are resolved outside of the courtroom and the court merely collects the fine and docket fee. Traffic tickets generate the overwhelming majority of criminal and traffic docket fees. Given law enforcement's role in the criminal and traffic process, it is appropriate to fund law enforcement training through the criminal and traffic docket fee.

Impact of General Fee Funding: By funding KLETC through the SGF rather than docket fees, either KLETC will receive a separate allocation or KLETC's budget will be merged into KU's general fund allocation. If KLETC becomes an independent agency that presents its budget to an appropriations committee annually, the Legislature essentially would have created a new Regents institution. However, if KLETC's budget allocation becomes part of the overall KU general fund allocation, the Legislature may lose the ability to target and specifically fund law enforcement training as it becomes integrated into a much larger budget.

Resurrection of HB 2570 from the 2006 Legislative Session: Should the Legislature determine that docket fees are not an appropriate source for funding law enforcement training, KLETC respectfully requests that consideration be given to resurrecting House Bill 2570 from the 2006 Legislative Session. House Bill 2570 would have provided KLETC funding from a surcharge on vehicle registrations. This funding source was approved by the Special Committee on Judiciary in the Fall of 2005.

Respectfully Submitted,



Ed H. Pavey
Director

Kansas Peace Officers' Association

BEFORE THE SENATE JUDICIARY COMMITTEE

Regarding SB 17

Kyle G. Smith

Legislative Chair, Kansas Peace Officers Association

January 18th, 2007

Chairman Vratil and Members of the Committee,

On behalf of the almost 4000 men and women in the Kansas Peace Officers Association I appear today to express concern regarding SB 17. As you are aware this bill would remove the Kansas Law Enforcement Training Center's funding from docket fees to the state general fund. The KPOA would oppose this part of SB 17 for the following reasons.

First, the current system works and works well. Kansas has an excellent training program and facilities near Hutchinson Kansas. The legislature set up both the governing board that controls KLETC, the Kansas Commission of Police Officer Standards and Training, (CPOST) and put it under University of Kansas. The instructors are both experienced officers and well-qualified teachers. There has never been a hint of scandal regarding the handling of the docket fee funds and the University of Kansas does a thorough job of tracking the budget. So, if it isn't broken, why fix it?

Second, the safety of you, your families and all Kansas citizens depends on the quality of the law enforcement officers protecting them. Training of our law enforcement officers is a critical public safety issue – far too important to have it fluctuate yearly on political whims.

Third, the current funding is stable and dependable. That cannot always be said about the state budget. KLETC has just started last year, with overwhelming legislative approval, a fifteen-year strategic facilities enhancement plan. A stable, reliable funding source is needed to meet the needs. Even assuming that this legislature would pass through the percentage of docket fee funds, what assurance is there after an election cycle or two?

Fourth, the training of law enforcement officers is an educational effort. KLETC is a division of the University of Kansas. Why should this educational program be moved into a separate budgetary process? There is a possibility that by inserting more politics into the operation of an educational system, this proposal could be a dangerous precedent – could next session have a bill to move the school of religion or medicine to a separate state general fund program to allow more political supervision of their activity?

Thank you for your attention and consideration.

Senate Judiciary

1-18-07
Attachment 21



January 18, 2007

**Testimony Presented to the
Senate Judiciary Committee
Senate Bill 17**

Safe Kids Kansas, a nonprofit coalition of 67 statewide organizations and businesses, is dedicated to preventing accidental injuries to Kansas children ages 0-14. Accidental injuries are the number one killer of our kids in Kansas.

Safe Kids Kansas is opposed to Senate Bill 17, which would have a significant and potentially severe impact on our state's trauma program by eliminating more than 50 percent of the funding for the program.

Kansas needs to continue the dedicated funding from moving traffic violations for the trauma program because motor vehicle crashes are the leading cause of trauma in our state. Unfortunately, motor vehicle crashes are also the leading cause of death for Kansas children ages one through seventeen. The quality of care that our injured children receive in the trauma system, both in rural and urban areas, is literally a matter of life and death.

The member organizations of Safe Kids Kansas and our 37 local coalitions and chapters oppose the passage of SB 17.

Attachment:

Safe Kids Kansas Member Organizations

Safe Kids Kansas, Inc. is a nonprofit Coalition of 67 statewide organizations and businesses dedicated to preventing accidental injuries to Kansas children ages 0-14. Local coalitions and chapters are located in Allen, Anderson, Atchison, Clay, Coffey, Dickinson, Doniphan, Douglas, Ellis, Finney, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, McPherson, Meade, Mitchell, Montgomery, Nemaha, Osage, Pottawatomie, Republic, Rice, Riley, Saline, Smith, Shawnee, Wabaunsee, Wilson and Woodson Counties, as well as the cities of Chanute, Emporia, Leavenworth, Norton, Pittsburg, the Wichita Area and the Metro Kansas City Area. Safe Kids Kansas a member of Safe Kids Worldwide, a global network of organizations whose mission is to prevent accidental childhood injury.



Safe Kids Kansas Member Organizations

AAA Kansas
American Academy of Pediatrics - KS
Attorney General of Kansas
Board of Emergency Medical Services
Brain Injury Association of Kansas
Children's Mercy Hospital
Cusick Jost Consulting, LLC
Dillon Stores
Fire Education Association of Kansas
Fire Marshal's Association of Kansas
Kansas Academy of Family Practice Physicians
Kansas Action for Children
Kansas Association of Counties
Kansas Assoc. of Local Health Dept.
Kansas Assoc. of Osteopathic Medicine
Kansas Association of School Boards
Kansas Chapter International Assoc.
of Arson Investigators
Kansas Children's Cabinet & Trust Fund
Kansas Chiropractic Association
Kansas Cooperative Extension 4-H
Kansas Dental Association
Kansas Dept. of Health & Environment
Kansas Dept. of Human Resources
Kansas Dept. of Transportation
Kansas District of Kiwanis International
Kansas EMS Association
Kansas Emergency Nurses Association
Kansas Farm Bureau
Kansas Foundation For Medical Care
Kansas Head Start Association
Kansas Healthy Start Home Visitors
Kansas Highway Patrol
Kansas Hospital Association
Kansas Insurance Department
Kansas MADD
Kansas Medical Society
Kansas Motor Carriers Association
Kansas Operation Lifesaver
Kansas Parent Teacher Association
Kansas Public Health Association

Kansas Recreation & Park Association
Kansas Rehabilitation Hospital
Kansas SADD
Kansas Safety Belt Education Office
Kansas School Nurse Organization
Kansas State Association of Fire Chiefs
Kansas State Board of Education
Kansas State Fire Marshal's Office
Kansas State Firefighters Association
Kansas State Nurses Association
Kansas Trial Lawyers Association
KIDS AND CARS
KNEA
KUMC Burn Center
KUMC Trauma Program
NHTSA Regional Office
Mid-America Poison Control Center
Office of the Governor
Safety & Health Council Western MO & KS
State Farm Insurance Companies
State Capitol Area Fire Fighters Association
Stormont-Vail Regional Medical Center
United School Administrators of Kansas
Via Christi - St. Francis Burn Center
Via Christi - Trauma Center
Wesley Medical Center

*Membership also includes Local Coalitions and Chapters located in Allen, Anderson, Atchison, Clay, Coffey, Dickinson, Doniphan, Douglas, Ellis, Finney, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, McPherson, Meade, Mitchell, Montgomery, Nemaha, Osage, Pottawatomie, Republic, Rice, Riley, Saline, Shawnee, Smith, Wabaunsee, Wilson and Woodson Counties; as well as the cities of Chanute, Emporia, Leavenworth, Norton, Pittsburg, Wichita Area, and Metro Kansas City.

Safe Kids Kansas is a member of Safe Kids Worldwide, a global network of organizations whose mission is to prevent accidental childhood injury.

1/07

1000 SW Jackson Suite 230 Topeka, KS 66612 tel 785-296-1223 fax 785-296-8645
www.safekids.org www.kansassafekids.org



Thomas L. Bell
President

January 18, 2007

TO: Senate Judiciary Committee

FROM: Chad Austin
Vice President of Government Relations

SUBJECT: Senate Bill 17

The Kansas Hospital Association appreciates the opportunity to provide testimony on Senate Bill 17. This proposed legislation would eliminate the funding that the Kansas trauma program receives from docket fees and would require all future funding to be received through the State General Fund.

In 1999, the Kansas Legislature passed legislation creating the Kansas Advisory Committee on Trauma (ACT). The ACT consists of a variety of health care and other professionals with expertise in trauma. The Kansas Department of Health and Environment, in consultation with the ACT, has developed a five year statewide comprehensive trauma system implementation plan. The goal of the trauma system is to ensure each patient is properly triaged and matched to the hospital with the most appropriate resources as quickly as possible. Because patients with severe injuries require rapid, specialized treatment to ensure the best chance for recovery, a viable trauma system program increases the chance of survival and lowers the change of permanent disability. On average, there are over 6,000 trauma cases and 1,100 trauma deaths that occur in Kansas each year.

Senate Bill 17 would switch the funding for the Kansas trauma system to State General Funds. This change potentially jeopardizes the work and funding requirements necessary to implement the statewide trauma plan. The trauma fee fund currently supports several initiatives including the state trauma office, the Advisory Committee on Trauma, education and training activities for the regional trauma networks, and technical support for more than 120 Kansas hospitals.

The Kansas Hospital Association and its members urge the committee to oppose any funding changes to the Kansas trauma program. Thank you for your consideration of our comments.

Kansas Hospital Association

215 SE 8th Ave. • P.O. Box 2308 • Topeka, KS • 66601 • 785/233-7436 • Fax: 785/233-6955 • www.kh

Senate Judiciary
1-18-07
Attachment *23*



2947 SW Wanamaker Drive • Topeka, Kansas 66614-4193
phone, 785-273-2552 • toll free, 800-432-0770
fax, 785-273-5130 • website, www.kfmc.org

January 18, 2007

Senator Vratil, Senate Judiciary Committee
State Capital Building
300 SW 10th St.
Topeka, KS 66612

Chairman Vratil and Committee Members:

The Kansas Foundation for Medical Care, Inc. (KFMC) supports continued, guaranteed funding for the Kansas Trauma Program, currently provided through docket fees. The program is essential to protecting the quality of trauma care received by Kansans and others who pass through our state. As the coordinating body for the Regional Trauma Councils, KFMC fully believes in and supports trauma system development conducted through the Kansas Department of Health and Environment, under the guidance of the Advisory Committee on Trauma. To date, the combined number of members in the Regional Trauma Councils is 862, representing 409 agencies. Each of these individuals and agencies is invested in improving the trauma system in our state.

All of these committed members and agencies currently donate their time and resources to carry out their work within the trauma program. In addition, the councils are supported by various other components of the trauma program that operate from within the trauma fund. Without sufficient and guaranteed funding, not only will the councils be unable to meet their regional goals, the supporting components of the trauma program will be unable to continue to provide the infrastructure necessary for the full development and operation of a statewide trauma system. For Kansans, this equates to a potential collapse of the trauma program, thus a decrease in the quality of care, resulting in increased mortality and morbidity rates, and ultimately increasing the cost of care for everyone.

With over one-third of the population residing in rural settings, it is imperative that persons who experience trauma, receive high quality care in an established trauma system designed appropriately for the geographic layout of our state. Ultimately, the trauma program impacts each and every Kansas resident, tourist, and passer-through. The current developments, including hospital designation, are key to ensuring that all trauma patients receive excellent and timely care. Without guaranteed funding, these developments will not be possible. Because of this, KFMC recommends providing sufficient and guaranteed funding for the Kansas Trauma Program.

Respectfully,

Larry Pitman
President and CEO

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Gerardi B. Peas, Jr., MD
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