

SESSION OF 2019

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 20**

As Agreed to April 3, 2019

Brief*

SB 20 would extend judicial branch surcharges on various docket fees, create law concerning tribal court judgments, and amend provisions regarding bonding in the statute governing the crime of cruelty to animals.

Judicial Branch Surcharges

The bill would extend the judicial branch surcharge the Legislature reauthorized in 2017 HB 2041 to fund non-judicial personnel for six years, through June 30, 2025. Current law allows the Judicial Branch to impose this additional charge on various docket fees to fund the costs of non-judicial personnel until June 30, 2019. The bill also would make technical changes by removing outdated statutory references and effective dates.

Tribal Court Judgments

The bill would create law providing that district courts shall extend full faith and credit to orders, judgments, and other judicial acts of tribal courts of any federally recognized Indian tribe, pursuant to Kansas Supreme Court rules. Such recognition would be extended only to judgments of those tribal courts that grant full faith and credit to judgments of

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Kansas state courts. The bill would specify any person who files a tribal court judgment would be required to pay a docket fee as prescribed by continuing law in the Kansas Code of Civil Procedure, and any additional fees or charges not specifically covered by such docket fee would be assessed as additional court costs in the same manner and extent as if the action had been originally filed in the court where the tribal court judgment is filed. The bill would also state nothing in this section should be construed to be a waiver of the sovereign immunity of the State of Kansas or of a federally-recognized Indian tribe.

Bonding Requirements for Cruelty to Animals

The bill would amend provisions regarding bonding in the statute governing the crime of cruelty to animals. Specifically, the bill would require the bond required under current law be filed in the county where the animal was taken into custody, rather than in the county where the animal is being held. The bill also would add a requirement that the bond be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of the animal until disposition of the animal by the court and a provision that any costs collected by the court or through the bond be transferred to the entity responsible for paying the cost of care, treatment, or boarding of the animal. The bill would reorganize current provisions to clarify the timing and applicability of the bonding requirement.

Conference Committee Action

The Conference Committee agreed to adopt the provisions of SB 20, as amended by the House Committee on Judiciary, with the following modifications:

- Extend the judicial branch surcharge for six years, rather than four years;

- Add a provision adopted by the Senate Committee of the Whole in considering HB 2039, specifying any person filing a tribal court judgment would be required to pay any docket fees or additional costs pursuant to continuing law; and
- Add the contents of HB 2206, relating to bonding requirements for the crime of cruelty to animals.

Background

As it entered conference, SB 20 included the provisions of SB 20, as amended by the House Committee on Judiciary, regarding judicial branch surcharges, and HB 2039, as amended by the House Committee on Judiciary, regarding tribal court judgments. The Conference Committee agreed to adopt the Senate position of extending the surcharge for six years instead of four years; add a docket fee provision the Senate Committee of the Whole adopted in considering HB 2039; and add the contents of HB 2206, as passed by the House and recommended by the Senate Committee on Judiciary, regarding bonding requirements for the crime of cruelty to animals.

SB 20 (Judicial Branch Surcharges)

SB 20 was introduced by the Senate Committee on Judiciary at the request of the Judicial Branch. As introduced, the bill would have extended the surcharge for an additional two years, through June 30, 2021.

In the Senate Committee hearing, a representative of the Judicial Branch testified in support of the bill, and the Kansas District Judges Association (KDJA) and the Kansas Bar Association (KBA) submitted written-only testimony in support of the bill. No other testimony was provided.

The Senate Committee amended the bill to remove the sunset dates and make the surcharge permanent.

In the House Committee on Judiciary hearing, representatives of the Judicial Branch and the KBA testified in support of the bill, and the KDJA submitted written-only testimony in support of the bill. No other testimony was provided.

The House Committee amended the bill to extend the judicial branch surcharge to June 30, 2023, and to insert the contents of HB 2039, as passed by the House, concerning tribal court judgments.

According to the fiscal note prepared by the Division of the Budget on SB 20, as introduced, the Office of Judicial Administration indicates its budget would be reduced by \$9.0 million in FY 2020 if the bill is not enacted. Expenditures from the surcharge revenues are reflected in *The FY 2020 Governor's Budget Report*, with estimated revenues to the Judicial Branch Docket Fee Fund of \$9.0 million in FY 2020.

HB 2039 (Tribal Court Judgments)

HB 2039 was introduced by the House Committee on Judiciary at the request of the Kansas Judicial Council.

In the House Committee hearing, a representative of the Kansas Judicial Council testified in support of the bill. The KBA and the Prairie Band Potawatomi Nation provided written-only testimony in support of the bill. Proponents stated the bill would strengthen the relationship between state courts and tribal courts by providing certainty in judgments and encouraging collaboration. No neutral or opponent testimony was provided.

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

In the Senate Committee on Judiciary hearing, a representative of the Kansas Judicial Council testified in support of the bill. The KBA and the Prairie Band Potawatomi Nation provided written-only testimony in support of the bill. No neutral or opponent testimony was provided.

At the time of the House Committee action on SB 20, the Senate Committee had not yet taken action on HB 2039. The Senate Committee subsequently recommended the bill favorably for passage, and the Senate Committee of the Whole amended the bill to specify any person who files a tribal court judgment would be required to pay a docket fee and any additional court costs pursuant to continuing law.

With the contents of HB 2039 included in the Conference Committee report on SB 20, the Conference Committee on HB 2039 agreed to use the HB 2039 report as a shell for the contents of HB 2105, which updates laws regarding limited liability companies, and HB 2243, which exempts animal shelters from charitable organization registration requirements.

According to the fiscal note prepared by the Division of the Budget on HB 2039, as introduced, the Office of Judicial Administration states any fiscal effect resulting from the enactment of the bill would be negligible. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

HB 2206 (Bonding Requirements for Cruelty to Animals)

HB 2206 was introduced by the House Committee on Judiciary at the request of the Kansas Sheriffs' Association and Kansas Association of Chiefs of Police. In the House Committee hearing, a representative of the Kansas Sheriffs' Association testified in support of the bill. Representatives of Beauties and Beasts, Friends of the Emporia Animal Shelter, the Humane Society of the United States, Kansas Animal Control Association, and Wichita Animal Action League

submitted written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on HB 2206, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on the operations of the Judicial Branch. The Kansas Association of Counties indicates enactment of the bill could have a fiscal effect on counties, if owners come forward and post the bond.

Crimes; criminal procedure; cruelty to animals; tribal court judgments; courts; judicial branch; docket fees

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