

Approved: June 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 17, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Katherine McBride, Office the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees Appearing before the Committee:

Judge James Fleetwood, 18th Judicial District
Helen Pedigo, Special Counsel to the Chief Justice of the Kansas Supreme Court

Others in Attendance:

See Attached List

The Chairman opened the hearings on **SB 425–Court fees and costs; establishing, operating and maintaining electronic document filing, storage and management for the Kansas court system.**

Mr. Thompson reviewed the bill. He stated the bill would authorize the Supreme Court to impose a fee to fund the cost of the e-filing system. The fee would be imposed on electronic case filings, motion filings and accessing records and documents.

Judge James Fleetwood testified in favor of **SB 425**. He said the bill would authorize funding for e-filing and continued maintenance and development of effective e-accessibility statewide. He stated the bill is essential for the court as it seeks to operate more efficiently and more responsively. The bill would provide a cost-savings both locally and by the state. The bill would allow a shift of staff to other court-related duties and functions. (Attachment 1).

Written testimony in support of **SB 425** was submitted by Judge Tom Foster. (Attachment 2).

In response to security concerns raised by Senator Haley, Judge Fleetwood stated the system would be even more secure than the federal system adopted eight years ago. He stated there would be a central server in Topeka, which would have sufficient storage capacity for the entire state, and there would be a second server somewhere other than in Topeka. The two systems would operate independently in case a disaster occurs in one of the areas where the servers are located. There would be other provisions providing back-up to the system.

In response to a question raised by Senator King, Judge Fleetwood stated the bill does not specify whether the fee is imposed on each document or if it is a one-time docket fee. That decision would be left to the

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discretion of the Supreme Court.

Written testimony in opposition to **SB 425** was submitted by Mike Freelove, Brandy Sutton and Larry Zimmerman. (Attachments 3, 4 and 5).

The Chairman closed the hearings on **SB 425**.

The Chairman opened the hearings on **SB 322–Court fees and costs; judicial branch surcharge fund**.

Mr. Thompson reviewed the bill. He stated the bill would authorize a one-year extension of the judicial branch surcharge fee.

Helen Pedigo testified in support of **SB 322**. She stated the authority to impose the surcharge expires at the end of the current fiscal year. The surcharge generates revenue to help fund nonjudicial wages and salaries for the Judicial branch. Ms. Pedigo stated the bill also adds a surcharge on hospital liens. She requested an amendment to K.S.A. 32-1049a be added to the bill to impose a surcharge on wildlife and parks license reinstatements. (Attachment 6).

Written testimony in support of **SB 322** was submitted by Joe Molina. (Attachment 7).

Written neutral testimony was submitted by Brandy Sutton. (Attachment 8).

The Chairman closed the hearings on **SB 322**.

The Chairman turned the Committee’s attention to **SB 91–Public health care; sexual assault survivors right to emergency contraception information**.

Katherine McBride, Staff Revisor, reviewed a memo concerning **SB 91**. She stated “medical care facility” would have the same meaning ascribed to the term by K.S.A. 65-448.

Ms. McBride stated there might be a potential conflict in the requirements of **SB 91** which would require medical care facilities to change the protocols relating to the collection of sexual assault evidence. The KBI and KDHE have separate statutory authority to collect sexual assault evidence. (Attachment 9).

In response to a question relating to fixing the conflict, Ms. McBride suggested that either the KBI or KDHE could establish the standard evidence collection protocols rather than the medical care facilities.

The Chairman postponed Committee action on **SB 91**.

The next meeting is scheduled for Noon today, January 17, 2012.

The meeting was adjourned at 10:30 a.m.