

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 20

As Amended by House Committee on Judiciary

Brief*

SB 20, as amended, would extend judicial branch surcharges on various docket fees and create law concerning tribal court judgments, as follows.

Judicial Branch Surcharges

The bill would extend the judicial branch surcharge the Legislature reauthorized in 2017 HB 2041 to fund non-judicial personnel for four years, through June 30, 2023. 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 The bill also would make technical changes by removing outdated statutory references and effective dates.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 Kansas state courts. The bill would also specify that 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.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

SB 20, as amended by the House Committee on Judiciary, includes provisions of SB 20, as amended by the House Committee, regarding judicial branch surcharges and HB 2039, as passed by the House, regarding tribal court judgments.

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 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 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 House Committee action on SB 20, the Senate Committee had not yet taken action on HB 2039.

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*.