

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 12, 2002 in Room 526-S of the Capitol.

All members were present except:

Representative Karen DiVita-Johnson - Excused  
Representative Kathe Lloyd - Excused  
Representative Judy Morrison - Excused  
Representative Candy Ruff - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research  
Jill Wolters, Department of Revisor of Statutes  
Sherman Parks, Department of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Gary Miller, Sedgwick County Forensic Science Center  
Major Walt Way, Johnson County Sheriff's Department  
Kyle Smith, Kansas Bureau of Investigation  
Tom Winters, Sedgwick County Commissioner  
Richard Euson, Sedgwick County Counselor  
Kathy Sexton, Assistant City Manager  
Ed Williams, Reno County Manager, Hutchinson  
Judge Paul Buchannan, Chief Judge 18<sup>th</sup> Judicial District  
Paul Davis, Kansas Bar Association  
Representative Ward Loyd

Hearings on: **HB 2772 - Include in court costs is a fee for forensic services provided by Sedgwick County Regional Forensic Science Center**, were opened.

Gary Miller, Sedgwick County Forensic Science Center, appeared in support of the bill. The Forensic laboratory provides critical information to the county on a daily basis. They are very costly services to provide and the bill would assess \$150 for each offense to cover the expenses. (Attachment 1)

Major Walt Way, Johnson County Sheriff's Department, requested that Johnson County be included into the bill since the Johnson County Sheriff's Department provides forensic lab services to the District Attorney in that county. (Attachment 2)

Kyle Smith, Kansas Bureau of Investigation, commented that the KBI has no problems with the proposed legislation. They currently collect only 15% of the fees that are assessed. He suggested making to bill apply to those labs that are accredited by the International Association of State Crime Laboratories Directors.

Hearings on **HB 2772** were closed.

Hearings on: **HB 2763 - Repealing two statutes that require certain size counties to provide courtroom and supplies for district court as judges deem necessary**, were opened.

Tom Winters, Sedgwick County Commissioner, explained that the bill would repeal statutes requiring counties to fund courtroom supplies. These statutes place elected officials in positions of voting to raise or lower taxes under contempt orders instead of being responsible to the taxpayers. He explained that there is an appeal process that the courts can go through if they do not like the budget that has been set by they county. The appeal process usually leads to a workable solution. (Attachment 3)

Committee discussion centered on the fact that current statute states that the county shall fund items deemed necessary not that it is discretionary. County Commissioner Winters agreed with the interpretation and stated that is why they would like the statute repealed.

Richard Euson, Sedgwick County Counselor, believes that there is a conflict between K.S.A. 20-349, which states that the County Commission shall have final say on budget for the courts and K.S.A. 20-713 which

## CONTINUATION SHEET

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mandates that counties with the population between 47,000 and 65,000 shall provide supplies as the judge or judges deem necessary. K.S.A. 20-510 was repealed in 1969 that effected counties between 80,000 to 100,000. Sedgwick County wants to be treated fairly like those that were removed from the statutes in '69. ([Attachment 4](#))

Kathy Sexton, Assistant City Manager, provided the committee with a handout that demonstrated Sedgwick County Commissioners support to the District Court. ([Attachment 5](#)) She believes that the County Commission should be held accountable to the citizens they represent not to the courts.

Ed Williams, Reno County Manager, Hutchinson, supported the proposed bill. Reno County has not experienced any fiscal problems related to the lack of budgetary control over the courts but it could happen when and if they request computerization. ([Attachment 6](#))

Judy Moler, General Counsel for Kansas Association of Counties, did not appear before the committee, but requested her written testimony be included in the minutes. ([Attachment 7](#))

Judge Paul Buchanan, Chief Judge 18<sup>th</sup> Judicial District, appeared before the committee in opposition to the bill and suggested making the statute apply to all counties, no matter what size and it should apply only to the Chief Judge of each District Court. ([Attachment 8](#))

Paul Davis, Kansas Bar Association, was in opposition of the bill because it does not state who would fund those items that the courts deems necessary. ([Attachment 9](#))

Hearings on **HB 2763** were closed.

Hearings on **HB 2769 - abatement of common nuisances; adding felonies committed by gang members to the list**, were opened.

Representative Ward Loyd appeared before the committee as the sponsor of the bill. He stated that this was the same bill that passed out of the House Chamber last year. The purpose of the bill is "gang abatement" through the use of civil injunction. ([Attachment 10](#))

Hearings on **HB 2769** were closed.

The committee meeting adjourned at 6:30p.m. The next meeting was scheduled for February 13, 2002.