

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas (C.) Tim Owens at 9:35 a.m. on February 5, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Derek Schmidt- excused

Committee staff present:

Doug Taylor, Office of the Revisor of Statutes

Jason Thompson, Office of the Revisor of Statutes

Athena Andaya, Kansas Legislative Research Department

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Martha Gabehart, Executive Director, Kansas Commission on Disabilities Concerns

Brandon Myers, Chief Legal Counsel, Kansas Human Rights Commission

Ami Hyten, Topeka Independent Living

Jerry Sloan, Judicial Branch Budget & Fiscal Officer

Chief Judge Stephen Tatum, 10<sup>th</sup> Judicial District

Chief Judge James R. Fleetwood, 18<sup>th</sup> Judicial District

Chief Judge Richard M. Smith, 6<sup>th</sup> Judicial District

Others attending:

See attached list.

The Chairman opened the hearing on **SB 112 - Kansas act against discrimination amendments regarding disability.**

Martha Gabehart spoke in support indicating the proposed amendments to the Kansas Act Against Discrimination would make it consistent with the American with Disabilities Act Amendments Act effective 1 Jan 2009. The change in policy would align Kansas anti-discrimination law with federal law and eliminate the need for compliance with two different laws. ([Attachment 1](#))

Brandon Myers testified in favor stating **SB 112** is intended to establish consistency and similarity between State and Federal law prohibiting discrimination on the basis of disability. The bill clarifies key definitions and will allow the Kansas Human Rights Commission to more-readily handle issues at the State level that might otherwise have to be taken to Federal agencies. ([Attachment 2](#))

Ami Hyten appeared in support stating enactment would Kansas law into concert with recent changes to Federal law and would stream line enforcement efforts. The changes would support the programs Kansas has invested in to make competitive, integrated employment a reality for Kansans with disabilities and recommend passage of the bill. ([Attachment 3](#))

Written testimony in support of **SB 112** was submitted by:

Rick Cagan, Executive Director, National Alliance on Mental Illness ([Attachment 4](#))

Michael Byington, Blind & Visually Impaired ([Attachment 5](#))

Melissa L. Ness, Advocacy Coordinator, St. Francis Community Services ([Attachment 6](#))

Bruce Linhos, Executive Director, Children's Alliance ([Attachment 7](#))

Ray Petty, Kansas Commission on Disabilities Concerns ([Attachment 8](#))

Jennifer Schwartz, Kansas Assn. of Centers for Independent ([Attachment 9](#))

Shannon Jones, Statewide Independent Living Council of Kansas ([Attachment 10](#))

Jane Rhys, Kansas Council on Development Disabilities ([Attachment 11](#))

Michelle Sweeney, Association Community Mental Health Centers of Kansas ([Attachment 12](#))

There being no further conferees, the hearing on **SB 112** was closed.

The hearing on **SB 134 - Court fees and costs; authorizing supreme court to establish additional charges**

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 5, 2009, in Room 545-N of the Capitol.

### **for court procedures.**

Jerry Sloan testified in support stating while employees salaries are funded through the General State Fund, nearly all other operating expenses are funded by the counties. This results in a Judicial Branch State General Fund budget that overwhelmingly (97.6% in FY 2009) is dedicated to personnel costs with little flexibility in budget reduction. While hiring freezes and reduced expenditures for temporary positions have been implemented budget shortfalls will impact staffing requirements. The Emergency Surcharge has been implemented in the past to fund budget deficits and avoid furloughs of support staff and keep the courts open and functioning. Mr. Sloan requested SB 134 be amended to to be effective upon publication in the Kansas Register. ([Attachment 13](#))

Chief Judge Stephen Tatum appeared in support, providing information on the serious condition of the 10<sup>th</sup> Judicial District and requested implementation of **SB 134**. Judge Tatum noted the emergency fund was not abused in previous years and worked to get the Judiciary through a tough economic downturn. Case loads are expected to increase and as always, indigent cases will be allowed to file without any fee. Passage will help the courts maintain the expected level of service to the community. ([Attachment 14](#))

Chief Judge James R. Fleetwood testified in support stating the 18<sup>th</sup> Judicial District is the largest in Kansas and as a result of the existing permanent hiring freeze has experienced a 4% reduction in staff. The area continues to grow and services must be provided in a timely manner to assure justice. Judge Fleetwood encouraged enactment of **SB 134** to protect the court from further degradation of its ability to serve the community. ([Attachment 15](#))

Chief Judge Richard M. Smith spoke in favor, stating a budget deficit requiring the furlough or termination of employees may cause the complete cessation of certain services in rural communities. Such actions could be devastating to citizens and undermine efforts to maintain dedicated and effective employees. ([Attachment 16](#))

Due to time constraints, the hearing on **SB 134** will be continued tomorrow.

The next meeting is scheduled for February 6, 2009.

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