

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 29, 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 of 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:

Jason Watkins, Kansas Court Reporters Association
Colleen F. Boxberger, President, Kansas Court Reporters Association
Kristin Anderson, Kansas Court Reporters Association and National Court Reporters Association
Tim Madden, Senior Legal Counsel to the Secretary of Corrections

Others in Attendance:

See Attached List

The Chairman opened the hearings on **HB 2484—Certified shorthand reporters; deposition in Kansas.**

Mr. Thompson reviewed the bill. He stated the bill would require depositions taken in Kansas to be taken before a person who is certified by the Kansas Supreme Court as a certified court reporter.

Jason Watkins testified in support of **HB 2484**. He stated the bill reinserts a requirement that had been deleted inadvertently in 2010 in the bill which recodified the Kansas Civil Procedure Code. (Attachment 1).

Colleen F. Boxberger testified in support of **HB 2484**. She stated official court reporters are required to be certified. The bill would extend the certification requirement to free lance reporters. (Attachment 2).

Kristin Anderson testified in support of **HB 2484**. She stated the bill would help ensure that that professional responsibilities and requirements are adhered to throughout a reporter's career. (Attachment 3).

Written testimony in support of **HB 2484** was submitted by Adam Finkel and Jeffrey E. Goering. (Attachments 4 and 5).

The chairman closed the hearings on **HB 2484**.

The Chairman opened the hearings on **HB 2535—Amending statutes affected by 2011 ERO 34**

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 29, 2012, in Room 548-S of the Capitol.

transferring the Kansas parole board to the prisoner review board.

Mr. Thompson reviewed the bill. He stated the bill would update statutes to reflect the changes made by 2011 Executive Reorganization Order No. 34, which established the Prisoner Review Board within the Kansas Department of Corrections and abolished the Kansas Parole Board. (Attachment 6).

Tim Madden testified in support of **HB 2484**. He stated the bill made numerous technical amendments and would clarify language relating to annual reports of the Prisoner Review Board. (Attachment 7).

The Chairman closed the hearings on **HB 2535**.

The Chairman opened the hearings on **HB 2569—Legislative review of exceptions to disclosure of public records.**

Ms. McBride reviewed the bill. She stated the bill would extend for 5 years the exceptions to the Kansas Open Records Act that are set to expire on July 1, 2012. (Attachment 8).

There were no conferees on **HB 2569**.

The Chairman closed the hearings on **HB 2569**.

The Chairman told the Committee it was his desire that the Committee take action on the bills heard today.

The Chairman turned the Committee's attention to **HB 2484**.

*Senator Vratil moved, Senator Schodorf seconded, to amend **HB 2484**: On page 2, in line 12, by striking “must” and inserting “shall”.*

Senator Vratil stated it was his intent that the language impose a requirement.

Mr. Thompson stated the Supreme Court has held that “must” is stronger than “shall” and has interpreted the word “shall” as directive in nature.

Senator Vratil's motion failed.

*Senator Schodorf moved, Senator Kelly seconded, that **HB 2484** be passed. Motion adopted.*

The Chairman turned the Committee's attention to **HB 2585**.

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 29, 2012, in Room 548-S of the Capitol.

Senator Donovan moved, Senator Kelly seconded, that **HB 2535** be passed. Motion adopted.

The Chairman turned the Committee's attention to **HB 2569**.

Senator Umbarger moved, Senator Kelly seconded, that **HB 2569** be passed. Motion adopted.

The next meeting is scheduled for March 1, 2012.

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