

Approved: May 22, 2012  
(Date)

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 3, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

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

Others attending:

See attached list

The Chairman recognized Senator Holland who requested the Committee to introduce a bill relating to the lateral support of buildings.

The Chairman turned the Committee's attention to **SB 39 – Creating the classification of "aggravated sex offender;" creating additional penalties and restrictions for sex offenders.** The Chairman noted the bill had been tabled last session.

Mr. Thompson distributed copies of a proposed **Substitute for SB 39**, (12rs1846), which had been drafted at the request of Senator Olson. (Attachment 1). Mr. Thompson explained that the substitute bill would: Require offenders to register as an aggravated sex offender if the victim was less than 16 years of age; require the court to inform an aggravated sex offender of the residency restrictions; provide that the residency restrictions relating to schools do not apply to persons while confined to state institutions located within 500 feet of a school; and apply to convictions occurring on or after July 1, 2012.

In response to a question raised by Senator Kelly, Mr. Thompson noted that the residency restriction applies to any property owned by a school district.

*Senator Schodorf moved, Senator Lynn seconded, that **SB 39** be removed from the table. Motion adopted.*

*Senator King moved, Senator Lynn seconded, that the current provisions of **SB 39** be amended as proposed in the substitute bill. Motion adopted.*

*Senator Schodorf moved, Senator Umberger seconded, that the substitute bill be passed. Motion adopted.*

The Chairman turned the Committee's attention to **HCR 5007 – Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.**

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 3, 2012, in Room 548-S of the Capitol.

Senator Pilcher-Cook moved, Senator Lynn seconded, that **HCR 5007** be adopted.

Senator Pilcher-Cook stated the resolution provides a tool for use by the Attorney General when making arguments before the Supreme Court. She stated that Kansas citizens should have the opportunity to express their opinions on the issue of health care freedom. She added that the new federal health care law, the Affordable Care Act (ACA), is destructive to our health, liberty, finances and religious beliefs.

Senator Vratil stated the same things could be accomplished by a simple Senate resolution without the cost of an election and wondered what, if any, impact the resolution would have on federal law. Senator Vratil added that it is not responsible of the Legislature to allow voters to vote on the resolution and to incur the costs of an election if the proposed amendment has no legal effect. He stated it is irresponsible and misleading to allow voters to think their vote will have an impact.

Senator Pilcher-Cook stated a Constitutional amendment carries greater weight than a simple resolution.

Senator Bruce stated a constitutional amendment would not supersede federal law, but it does make a statement and restricts state governmental action.

In response to a question raised by Senator Kelly, Mr. Thompson stated the resolution may affect medicare.

Senator Kelly noted that the U.S. Supreme Court will hear arguments on the ACA in June and the election on the resolution will not be held until November. She believes a simple resolution would be more effective now.

Senator Haley stated the ACA will bring health care freedom to many who are currently denied health care because of the costs.

Senator Owens stated he was reluctant to to send a false message to the voters. He expressed concern that the question will be on the ballot even if the Court upholds the ACA.

The Chairman called for the question.

The motion was adopted.

Senators Vratil, Kelly, Schodorf and Haley voted no.

The next meeting is scheduled for noon today, February 3, 2012.

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