

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on February 11, 2003, in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Kyle Smith, Kansas Bureau of Investigation
Candice Shively, SRS
Kathy Porter, Office of Judicial Administration
Senator Steve Morris
Terry Mass, Hugoton
Gary Baker, County Commissioner, Stevens County
Edward G. Collister, Attorney, Lawrence

Others attending: see attached list

Final Action on:
Confirmation of Roger Werholtz as Secretary of Corrections

Chairman Vratil called for discussion and final action on the confirmation of Roger Werholtz as Secretary of Corrections. There being no questions or points of discussion, Senator Goodwin moved to recommend the confirmation of Secretary Werholtz. The motion was seconded by Senator Donovan, and the motion carried.

SB 64 - Clarification of Kansas Offender Registration Act

Chairman Vratil opened the hearing on **SB 64**. Conferee Smith testified in support of **SB 64**, and said that the proposed bill updates the Kansas Offender Registration Act with three amendments. He explained the first amendment as striking the term "resident" as it no longer accurately describes all persons who register. He said the second amendment relates to section 2 and hopefully clarifies the penalty section, which should help the offenders as well as the courts. The third amendment is reflected in language repeated in sections 3,4, and 5 to make sure new registrants are specifically informed of the change last year requiring students at institutions of higher education, who have such convictions, to register. (Attachment 1)

There being no other conferees or questions from the Committee, the Chair closed the hearing on **SB 64**.

SB 71 - Kansas payment center; removal of sunset provision

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Chairman Vratil opened the hearing on **SB 71**. Conferee Shively testified in support of this requested bill by SRS. She said the bill amends the basic statute governing the Kansas Payment Center (KPC) by deleting subsection (h), the sunset provision. She stated that currently the statute was scheduled to sunset on July 1, 2003. Ms. Shively gave some background information on the Kansas Payment Center's formation and operation. She also shared some issues SRS foresees if the measure is not enacted and the statute is allowed to sunset July 1. She concluded her testimony by noting that enactment of this bill created no new fiscal impact upon SRS. (Attachment 2)

Conferee Porter testified in support of **SB 71**, and stated that the collection and disbursement of support-related payments has been effectively turned over to the KPC. She urged the Committee to pass this bill out. (Attachment 3)

General questions and discussion followed regarding whether the Oversight Commission should still be in place since the KPC is running effectively and there is no need to have meetings, complaint calls are no longer being received with any frequency by legislators on the operations of the KPC, but was requested that legislators receive a copy of the SRS report that goes to the federal government on this issue.

The Chair closed the hearing on **SB 71**.

SB 91 - Law enforcement training center, qualifications and officer training requirements

Chairman Vratil opened the hearing on **SB 91**. Senator Morris testified in support of this proposed bill which he had sponsored. He gave some background information on Terry Maas who lives in his hometown, and was a Canadian citizen working in law enforcement. He explained that Mr. Maas wants to apply for admission to the Kansas Law Enforcement Training Academy, but has to be a U.S. citizen in order to be accepted for training. Senator Morris stated that this bill changes the statute to allow Mr. Maas to attend the Academy. (Attachment 4)

Conferee Maas testified in support of **SB 91**, and asked the Committee for assistance in gaining admittance to the Kansas Law Enforcement Training Academy in Hutchinson in order to become a certified law enforcement officer. Mr. Maas related his past education and experience in the law enforcement field, and his desire to become a U.S. citizen living and working in Stevens County. (Attachment 5)

Committee questions and discussion concerned the requirements for U.S. citizenship, and the process that Mr. Maas and his wife have had to go through in order to become legal citizens.

Conferee Baker appeared before the Committee to testify in support of **SB 91**. He shared with the Committee the various community and civic activities Mr. Maas has volunteered for in Stevens County. He stated that Mr. Maas was eminently qualified for special consideration needed for his enrollment to the Law Enforcement Training Academy. (Attachment 6)

Conferee Smith testified in opposition on behalf of the Kansas Law Enforcement Training Commission. He stated that the Commission feels that making exceptions in admissions standard for particular individuals is bad public policy, and once an exception is made it would be hard to control. He explained

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the Commission believed it was reasonable to maintain the standard that persons should first demonstrate a sufficient commitment and dedication to become citizens of the state and nation they will serve.

(Attachment 7)

Brief discussion regarded how this bill could be revised to allow the Legislature to handle such requests on a case by case basis. Suggestion was made that possibly the revision could contain a sunset clause regarding the process of obtaining U.S. citizenship.

The Chair closed the hearing on **SB 91**.

SB 54 - Creating the crime of negligent homicide - Further Information

The Chairman directed the Committee's attention to **SB 54**, regarding creating the crime of negligent homicide for further information and discussion.

William E. Westerbeke, Professor of Law, Kansas University School of Law, submitted written comments of his review of **SB 54** per Vice Chairman Pugh's request. Mr. Westerbeke urged the Committee to exercise great caution and listed three specific concerns as well as his recommendations if the Legislature should decide to create the crime of criminal negligence. (Attachment 8)

Edward G. Collister, Lawrence Attorney, and Chairman of the Kansas Bar Association's Legislative Committee spoke briefly to the Committee and explained his opposition to **SB 54**. He said that the lines between civil liability and criminal penalties should not be blurred and that person's should not be held liable criminally for negligent conduct.

Vice Chairman Pugh furnished some written information to the Committee which he had requested from Allan Hazlett who had appeared before the Committee during the hearing on **SB 56**. (Attachment 9)

The meeting was adjourned at 10:33 a.m. The next scheduled meeting is February 12, 2003.