

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:37 A.M. on February 12, 2007, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen arrived, 9:40 A.M.

Phil Journey arrived, 9:55 A.M.

Julia Lynn arrived, 9:39 A.M.

David Haley arrived, 10:05 A.M.

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department

Bruce Kinzie, Office of Revisor of Statutes

Nobuko Folmsbee, Office of Revisor of Statutes

Karen Clowers, Committee Assistant

Others attending:

See attached list.

Approval of Minutes:

Senator Bruce moved, Senator Umbarger seconded, to approve the committee minutes of January 24, 2007. Motion carried.

Final action on **SB 52--Regulating traffic; speed limit violations, open record.**

The Chairman reviewed the bill and referred to an amendment proposed by Kathy Porter, Office of Judicial Administration, regarding concerns of the committee following the hearing on January 23 (Attachment 1).

Senator Bruce moved, Senator Schmidt seconded, to adopt the proposed amendment. Motion carried.

Senator Goodwin moved, Senator Bruce seconded, to recommend SB 52 as amended favorably for passage. Motion carried.

Final action on **SB 53--Civil procedure; release of dormant judgments.**

Chairman Vratil reviewed the bill. Senator Bruce moved, Senator Umbarger seconded, to recommend SB 53 favorably for passage and placed on the consent calendar. Motion carried.

Final action on **SB 55--Department of Corrections, disposition of inmate compensation.**

The Chairman reviewed the bill. Following discussion, Senator Bruce moved, Senator Goodwin seconded, to recommend SB 55 favorably for passage. Motion carried. Senator Betts voted "no" and requested his vote recorded.

Final action on **SB 56--Increasing fees for county law libraries.**

Senator Vratil reviewed the bill heard on January 24. Following discussion Senator Allen indicated a preference to not reduce other funds currently distributed through docket fees and offered to develop a balloon amendment. The bill will be put on hold until a later date pending the amendment.

Final action on **SB 118--Children in need of care; CASA reports**

The Chairman reviewed the bill and called attention to a proposed amendment by Mark Gleeson, Office of Judicial Administration representing support of all interested parties that testified during the hearing on

CONTINUATION SHEET

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February 1 (Attachment 2). Senator Schmidt moved, Senator Goodwin seconded, to adopt the proposed amendment. Motion carried.

Senator Schmidt moved, Senator Umbarger seconded, to recommend **SB 118** as amended favorably for passage. Motion carried.

Final action on **SB 139–Civil actions prevailing party recovers reasonable attorney fees; exceptions.**

Chairman Vratil reviewed the bill and referred to a proposed amendment by Kevin Tubbesing presented during his testimony on February 6 (Attachment 3). There was no motion on the balloon amendment or on the bill. Following discussion, Senator Goodwin moved, Senator Journey seconded, to table **SB 139**. Motion carried.

Final action on **SB 166–Clarifying amendments to hard 40 sentence for sex crimes and sexual exploitation of a child.**

The Chairman reviewed the bill and distributed a proposed balloon amendment (Attachment 4). Senator Vratil indicated he had received communication from the Attorney General's office to amend page 3, line 23, changing "that is comparable to an offense defined" to "which is substantially the same as to a crime listed" and after conferring with the revisor they had been assured that the "Romeo & Juliet" issue was not a problem with the language in this bill. The amendment also includes language requested by Senator Journey to address the "Romeo & Juliet" issue. Following discussion, Senator Bruce moved, Senator Journey seconded, to adopt the proposed amendment with the change to delete the first two words "Except that" in the second part of the balloon. Motion carried.

Senator Journey moved, Senator Goodwin seconded, to recommend **SB 166** as amended favorably for passage. Motion carried.

Final action on **SB 204–Requirements for persons required to register pursuant to Kansas offender registration act.**

Chairman Vratil reviewed the bill indicating there were two proposed amendments by Kyle Smith, Kansas Bureau of Investigation, provided during testimony on February 8. Senator Goodwin moved, Senator Lynn seconded, to adopt the proposed amendments. Motion carried.

Senator Donovan moved, Senator Lynn seconded, to recommend **SB 204** as amended favorably for passage. Motion carried.

Final action on **SCR 1601–School finance; amount of funding and distribution thereof determined by the legislature.**

The Chairman reviewed the resolution. Senator Journey moved, Senator Lynn seconded, to recommend **SCR 1601** favorably for passage.

Senator Goodwin made a substitute motion to table **SCR 1601**, Senator Haley seconded. Motion failed.

Chairman Vratil indicated the committee was back on the original motion. Following discussion, the motion failed.

The meeting adjourned at 10:31 A.M. The next scheduled meeting is February 13, 2007.