

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on February 14, 2008, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Office of Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Roger Werholtz, Secretary, Kansas Department of Corrections
Dale Goter, City of Wichita
William Fitzpatrick, Attorney, Independence, Kansas
Jeff Bottenberg, State Farm Insurance
Mike Dutton, State Farm Insurance
Terry Humphrey, Kansas Association for Justice

Others attending:

See attached list.

The Chairman opened the hearing on **SB 517–Department of corrections, work projects involving repair of real estate.**

Roger Werholtz testified in support, indicating enactment of **SB 517** would allow the Secretary of Corrections to contract with private landlords to repair their rental property damaged by tenants under the department's release supervision (Attachment 1). The department would utilize inmate work crews on these projects, providing limited assistance in the repair of property damaged by released offenders and encourage rental to released offenders.

There being no further conferees, the hearing on **SB 517** was closed.

Chairman Vratil announced his intention if times allows, to work **SB 46, SB 481, SB 495, and SB 427** following the scheduled hearings so staff may retrieve any needed files.

The hearing on **SB 536–Prohibiting adoption and enforcing residency restrictions on registered offenders.**

Roger Werholtz appeared in support for continuation of K.S.A. 22-4913 which restricts cities and counties from adopting or enforcing residential restrictions for registered offenders (Attachment 2). Secretary Werholtz provided a proposed balloon amendment to accommodate Wichita's licensing of "Correctional Placement Residences". The Kansas Sex Offender Policy Board, created in 2006 by the Legislature, was directed to study the issue of residential restrictions. The 2007 reports states:

- There is no evidence to support the efficacy of general residential restrictions,
- the moratorium on residential restrictions should be permanent, and
- recommends **SB 536** with the proposed amendment be enacted.

Dale Goter agreed with the testimony of Secretary Werholtz and supports his recommended balloon amendment (Attachment 3).

There being no further conferees, the hearing on **SB 536** was closed.

The Chairman opened the hearing on **SB 537–Civil procedure, privileges, costs.**

William Fitzpatrick testified in support, stating this bill make several amendments to the civil code aimed at clarifying the protections inherent in the rules of discovery, recovery of some cost of litigation, and application to both property damage as well as personal injury claims (Attachment 4).

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on February 14, 2008, in Room 123-S of the Capitol.

Jeff Bottenberg (Attachment 5) and Mike Dutton(Attachment 6) appeared in opposition. Mr. Bottenberg relayed concern the proposed legislation will increase the cost of litigation, consequently increasing the cost of automobile insurance without any direct benefit to policyholders. Mr. Dutton detailed the resulting consequences he foresees with enactment of this bill.

Terry Humphrey neutral testimony voicing concern on the unintended consequences that may result with enactment of **SB 537** and suggested the committee consider sending the issue to the Kansas Judicial Council for review (Attachment 7).

There being no further conferees, the hearing on **SB 537** was closed.

The Chairman called for final action on **SB 46–Defacing identification marks of a firearm, increase from class B nonperson misdemeanor to a severity level 10, nonperson felony.** The Chairman reviewed the bill.

Senator Bruce moved, Senator Lynn seconded, to recommend SB 46 favorably for passage. Motion carried.

The Chairman called for final action on **SB 481– Controlled substance, schedule I. salvia and gypsum weed.** The Chairman reviewed the bill.

Senator Schmidt moved, Senator Donovan seconded, to recommend SB 481 favorably for passage. Motion carried.

The Chairman called for final action on **SB 495–Restricting transfer of offenders to DOC with 10 or less days remaining on sentence.** The Chairman reviewed the bill. Following discussion regarding increasing the number of days, it was suggested the bill be included with those being addressed by the Judiciary sub-committee. It was decided to hold further action on the bill until a later date.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is February 18, 2008.