

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on March 5, 2007, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce- excused
Barbara Allen arrived, 9:34 A.M.
Phil Journey arrived, 9:40 A.M.
Julia Lynn arrived, 9:34 A.M.
Dwayne Umbarger arrived, 9:34 A.M.
Donald Betts- excused
David Haley- absent

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

Conferees appearing before the committee:

Kyle Smith, Deputy Director, Kansas Bureau of Investigation
Ed Klumpp, Kansas Association of Chiefs of Police
David C. Van Parys, Counselor, Leavenworth County
Dale Goter, City of Wichita
Capt. Darrell Haynes, Wichita Police Department
Randy Downing, Galamba Metals
Jeff Westeman, Triumph Structures
Paul Snider, Manager of Government Affairs, Kansas City Power & Light

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2074–Fingerprints and photo of juveniles in custody.**

Kyle Smith appeared in support, indicating this bill is similar to **SB 103** which the committee already passed out (Attachment 1). Both bills are identical in intent and address the unintended consequences that arose with legislation passed in 2006. Mr. Smith prefers the language of **HB 2074** since it is slightly more clear.

Ed Klumpp spoke in favor, stating it is critical to have the tools in place to allow accurate verification of a suspect's identity (Attachment 2). Without proper identification at the time of arrest, there is no way to assure a person later arrested on warrant or adjudicated is the same person originally taken into custody or arrested. Accurate identification of a person is critical to ensure that an innocent person's record is not tarnished by false information provided at the time of arrest.

There being no further conferees, the hearing on **HB 2074** was closed.

The hearing on **HB 2161–Counties; enforcement of county code and resolutions** was opened.

David Van Parys testified in support, stating passage of **HB 2161** will benefit the citizens of a county by allowing an expedited and self-funding mechanism for the enforcement of local regulations (Attachment 3).

Written testimony in support of **HB 2161** was submitted by:

Judy A. Moler, General Counsel, Kansas Association of Counties (Attachment 4)

There being no further conferees, the hearing on **HB 2161** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on March 5, 2007, in Room 123-S of the Capitol.

The hearing on **Sub HB 2035–Scrap metal dealers; theft of scrap metal** was opened.

Dale Goter, proponent, suggested proposed amendments and provided a brief explanation (Attachment 5).

Capt. Darrell Haynes spoke as a proponent, indicating due to the rising prices of copper and other metals there has been a huge boom in the theft of scrap metal (Attachment 6). This bill will protect the public from this growing threat.

Ed Klumpp appeared in support, stating the theft of metal is chronic in many areas of the state and has led to large financial losses to the victims of this crime (Attachment 7). Losses far exceed the value of the stolen metal due to property damage and lost production.

Randy Downing spoke in support, indicating **Sub HB 2035** represents a compromise agreed upon by scrap metal dealers, utility companies, and law enforcement that addresses all sides of the issue of scrap metal theft in Kansas (Attachment 8).

Jeff Westeman spoke in favor, relating the effects of metal theft with respect to the aerospace industry (Attachment 9). Mr. Westeman requested an amendment to change the description of aluminum metals from the current form to “aluminum except food and beverage containers” which would cover the many forms of aluminum parts used in the industry.

Paul Snider appeared in support, indicating that in addition to the financial losses, thefts are creating public safety issues (Attachment 10). Widespread power outages, as the result of thefts, inconvenience to customers due to interruption of heating, cooling, lighting, communications and other critical functions. Metal thefts endanger the safety of Kansas residents, and to maintenance workers, as well as increasing the cost of providing electrical service.

Written testimony in support of **Sub HB 2035** was submitted by:
Senator Mike Peterson (Attachment 11)

There being no further conferees, the hearing on **Sub HB 2035** was closed.

The Chairman called for final action on **HB 2074–Fingerprints and photos of juveniles in custody**.

Senator Umbarger moved, Senator Schmidt seconded, to recommend HB 2074 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2161–Counties; enforcement of county codes and resolutions**.

Senator Goodwin moved, Senator Donovan seconded, to recommend HB 2161 favorably for passage and place the bill on the consent calendar. Motion carried.

The meeting adjourned at 10:25 A.M. The next scheduled meeting is March 6, 2007.