

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on January 24, 2007, in Room 123-S of the Capitol.

All members were present except:

Phil Journey arrived, 9:36 A.M.
Dwayne Umbarger arrived, 9:37 A.M.
David Haley arrived 9:50 A.M.
Derek Schmidt- excused

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:

Ellen House, Court Administrator, 18th Judicial District
John Pickett, Director, Johnson County Law Library
Lana Walsh, Office of Judicial Administration

Bill Introductions

Attorney General Paul Morrison requested the introduction of two bills. The first bill would address a fine tuning of Jessica's law passed last year, the second bill would address certain requirements regarding the Kansas offender registration act. Senator Bruce moved, Senator Goodwin seconded, to introduce the bills as committee bills. Motion carried.

Sandy Barnett requested the introduction of a bill addressing interference with parental custody. Senator Bruce moved, Senator Umbarger seconded, to introduce the bill as a committee bill. Motion carried.

Senator Vratil described two bills concerning the Uniform Commercial Code. The first bill addressed Article 1 of the code, and the second, described Article 7 of the code. Senator Vratil moved, Senator Goodwin seconded, to introduce the bills. Motion carried.

Senator Bruce moved, to introduce a bill to allow judges the option to take bids to represent class action suits. Senator Lynn seconded the motion. Motion carried.

The hearing on **SB 55--Department of corrections, disposition of inmate compensation** was opened.

Ellen House appeared in support, indicating that often inmates are released believing all financial obligations to the court are fulfilled when actually, only restitution has been paid. This bill would allow the Department of Corrections to remit monies earned by inmates for court costs, fines, and fees due in addition to restitution (Attachment 1).

There being no further conferees, the hearing on **SB 55** was closed.

The hearing on **SB 56--Increasing fees for county law libraries** was opened.

John Pickett spoke in favor, relating that library fee limits have not been increased since 1992 and if adjusted for inflation the fee today would be 26% greater. The library provides services to 30,000 people each year, including many members of the general public in need of court forms and research materials. Enactment of this bill would allow the library to serve its patrons in a timely and effective manner (Attachment 2).

Written testimony in support was submitted by:

Lee Woodward, Chairman, Sedgwick County Law Library, Inc. (Attachment 3)

There being no further conferees, the hearing on **SB 56** was closed.

The Chairman opened the hearing on **SB 57--Repealing K.S.A. 20-351a, report on certain judgeships.**

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on January 24, 2007, in Room 123-S of the Capitol.

Lana Walsh spoke in support, stating annual reports to the Chairpersons of the Senate and House Judiciary Committees were enacted at the time of court unification and concurred that there no longer appears to be a need for this report (Attachment 4).

There being no further conferees, the hearing on **SB 57** was closed.

Final action on **SB 31--Jurisdiction of municipal court.**

The Chairman distributed a proposed amendment from Senator Emler which simplifies and clarifies language in the original bill (Attachment 5). Senator Bruce moved, Senator Journey seconded, to adopt the balloon amendment. Motion carried.

There being no further comments or amendments, Senator Journey moved, Senator Bruce seconded, to recommend SB 31 as amended favorably for passage. Motion carried.

Final action on **SB 37--Concerning the crime of smoking in indoor areas.**

Senator Betts distributed a proposed amendment which would allow businesses with less than 25 employees who voluntarily become smoke free to be allowed to join the state health care benefits program (Attachment 6). Chairman Vratil indicated a correction from the revisors should read “An Act concerning smoking...” not emailing. Following discussion, Senator Allen stated the proposed amendment would have a significant fiscal impact and suggested requesting a fiscal note before acting on it. It was agreed to wait for further information.

Senator Vratil moved to amend page 2, line 9, to strike “the principal business” and insert “more than 50% of its revenue is derived from”. Senator Bruce seconded the motion. Motion carried.

Senator Vratil moved to amend page 4, line 28, strike the word “private”. The motion was seconded by Senator Goodwin. Motion carried.

Senator Haley distributed a proposed amendment which would prohibit smoking in a car with children present and moved to amend the bill (Attachment 7). The Chairman indicated there appeared to be additional changes in the amendment including th definition of a motor vehicle on page 2 and requested explanation of the changes on page 3. Senator Haley responded that page 3 was a recitation of the definition of indoor areas. Senator Vratil verified that the substance of his amendment was on page 4, regarding prohibition of smoking in a car in which there is a person of less than 18 years of age. Senator Betts seconded the motion. Following discussion, the motion carried.

Senator Wysong was invited to propose a balloon amendment with several changes to page 4 of the bill (Attachment 8). Senator Goodwin moved, Senator Haley seconded, to adopt the proposed amendments. Motion carried.

Due to time constraints, final action on **SB 37** will be continued at a later date.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is January 25, 2007.