

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Monday, March 14, 2016, 112-N of the Capitol.

All members were present except:
Representative Blaine Finch – Excused

Committee staff present:
Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Jenna Seematter, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:
Professor Richard Levy, Kansas Judicial Council
Bob Corkins, Office of Administrative Hearings
Amanda Voth, Attorney General's Office
Jay Emler, Kansas Judicial Council

Others in attendance:
[See Attached List](#)

Hearing on: SB19 — Electronic service of order or notice under the Kansas administrative procedure act and the Kansas judicial review act.

Chairperson Barker opened the hearing on **SB19**. Jason Thompson gave an overview of the bill. Representative John Carmichael questioned Mr. Thompson.

Chairperson Barker recognized Professor Richard Levy who testified as a proponent of **SB19** on behalf of the Kansas Judicial Council ([Attachment 1](#)). Questions were asked by Representative John Carmichael.

Chairperson Barker recognized Bob Corkins, Office of Administrative Hearings, who testified as a proponent ([Attachment 2](#)). Comments were made by Representative Janice Pauls.

Chairperson Barker noted that there was written proponent testimony from Robert Large, Department of Agriculture ([Attachment 3](#)) ; Sandra Kimmons, Department for Children and Families ([Attachment 4](#)); and Susan Barker Andrews on behalf of the Kansas Department for Aging and Disability Services ([Attachment 5](#)).

Chairperson Barker closed the hearing on **SB19**.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Monday, March 14, 2016 in Room 112-N of the Capitol.

Hearing on: SB407 — Reviving statute concerning conditional release of person civilly committed under the sexually violent predator act.

Chairperson Barker opened the hearing on **SB407**. An overview was given by Jason Thompson, Revisor.

Chairperson Barker recognized Amanda Voth, who testified as a proponent of **SB407** on behalf of the Attorney General's Office ([Attachment 6](#)).

There being no further conferees, Chairperson Barker closed the hearing on **SB407**.

Hearing on: SB22 — Substitute for SB 22 by Committee on Judiciary - Municipal court; notice of expungement of certain records and notice of disposition of appeals.

The hearing on **SB22** was opened by Chairperson Barker. An overview was given by Jason Thompson, Revisor. Questions were asked by Chairperson John Barker and Representative John Rubin.

Chairperson Barker recognized Jay Emler, Chair of the Municipal Court Manual Committee of the Kansas Judicial Council, as a proponent of **SB22** ([Attachment 7](#)).

Chairperson Barker advised the Committee that there was written proponent testimony from Eric Smith of the League of Kansas Municipalities ([Attachment 8](#)).

Chairperson Barker closed the hearing on **SB22**.

Possible action on bills previously heard

SB408 - Reporting and investigation of abuse, neglect and exploitation of persons; duties and powers of attorney general, law enforcement and department of corrections.

*Representative John Carmichael moved to report **SB408** favorably for passage, seconded by Representative John Rubin.*

Representative John Carmichael stated that he had an amendment ([Attachment 9](#)).

*Representative John Carmichael moved to amend **SB408** by allowing the Attorney General or the Secretary of Corrections to investigate reports of child abuse or neglect occurring in an institution operated by the Kansas department of corrections, seconded by Representative John Whitmer.*

Representative Janice Pauls stated that she agrees with the basis of the amendment, but wonders if it should be the Attorney General "and" the Secretary of Corrections. Representative John Carmichael responded to her inquiry.

*Representative John Carmichael closed on his amendment. A vote was taken, and the amendment to **SB408** was adopted.*

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Monday, March 14, 2016 in Room 112-N of the Capitol.

Representative John Rubin made a conceptual amendment to **SB408** to add "licensed behavioral analysts and licensed assistant behavioral analysts" to the list of mental health service providers in Section 1(a)(1)(B), lines 18-23, seconded by Representative Steve Becker.

Representative Ward opposes the amendment. He is concerned bills are being rushed through which could result in mistakes being made. Representative Rubin responded.

There being no further discussion, Representative Rubin closed on his motion to amend **SB408**. A vote was taken, and the amendment was adopted.

Chairperson Barker stated that the Committee is back on the bill.

Representative Jim Ward is opposed to **SB408, as amended**.

Representative John Rubin moved to report **SB408, as twice amended**, favorably for passage, seconded by Representative Charles Macheers. A vote was taken, and the Chair declared that the ayes had it. Division was called by Representative John Carmichael. Twelve voted in favor of **SB408, as amended**, and nine voted no. **SB408, as amended**, was favorably passed.

Representatives Jim Ward and Randy Powell voted against **SB408, as amended**.

Representative John Whitmer moved to suspend the 24-hour rule and work **SB19, SB22, and SB407**, which were heard today, seconded by Representative Blake Carpenter.

Chairperson Barker noted that it takes a two-thirds majority to suspend the rule.

Representative Jim Ward opposes the motion. Representative John Carmichael stated that he has an amendment on each of the bills, and suggests that they wait until tomorrow to work them. Representative Leslie Osterman thinks amendments need to be read before bills are worked so he will oppose the amendment.

Chairperson Barker called for a vote, and stated that he was in doubt on the voice vote. There were thirteen ayes and seven nos. The motion failed for lack of a two-thirds majority.

Chairperson Barker noted that the following bills could be worked in the next few days: **SB19, SB22, SB407, SB362, SB393, HB2333**, and **HB2587**.

The meeting was adjourned at 4:35 p.m.