

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:40am on Thursday, February 19, 2015, 346-S of the Capitol.

All members were present except:

Senator Terry Bruce – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department

Robert Allison-Gallimore, Legislative Research Department

Natalie Nelson, Legislative Research Department

Suzanne Nelson, Kansas Legislative Committee Assistant

Katherine Goyette, Office of Revisor of Statutes

Jason Thompson, Office of Revisor of Statutes

Conferees appearing before the Committee:

Amanda Voth, Assistant Solicitor General, KS Attorney General's Office;

Nathan Eberline, Legal Counsel, KS Association of Counties;

Kim Lynch, Sr. Litigation Counsel, KS Dept. for Aging and Disability Services;

Chris Tymeson, Chief Legal Counsel, KS Dept. of Wildlife, Parks, and Tourism;

Bernie Lumbreras, Clerk of the District Court, Sedgwick County, KS, obo KS Association of District Court Clerks and Administrators (KADCCA);

Others in attendance:

[See Attached List](#)

Hearing continuation on: SB149 — Civil commitment of sexually violent predators.

Chair King reconvened the hearing on **SB149**. He called for the first proponent's testimony.

Amanda Voth, Assistant Solicitor General, testified in support on behalf of Dorinda Mitchell, Assistant Attorney General and Director of the Sexually Violent Predator (SVP) unit in Larned, Kansas. Natalie Chalmers, Assistant Solicitor General, was also present in the audience to assist with answering questions. Ms. Voth divided the changes and clarifications contained in **SB149** into three categories: cost savings; making part of the post-commitment process more efficient; and clarifications and minor changes to the current law. The attorney general's office believes the proposed changes will be beneficial to all those involved including the predator, the counties involved in transporting and housing the predators for hearings, the attorney general's office, or KDADS. Ms. Voth urged favorable passage of **SB149**. ([Attachment 1](#))

Nathan Eberline testified in support of **SB149**, primarily from the perspective of the funding piece and cost savings that may be generated on behalf of the counties. For this reason, KAC supports the bill. ([Attachment 2](#))

Kim Lynch spoke in support of **SB149**. She spoke about the benefits to the state, KDADS, Larned State Hospital (LSH), and the residents in the Sexually Violent Predator Treatment Program (SPTP)

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including expedited due process; increased clarity within the patient bill of rights; increased safety measures to protect employees and residents of SPTP; and increased efficiency within the administrative process. Ms. Lynch emphasized that this legislation is necessary to clarify each of these issues. ([Attachment 3](#))

The proponents addressed questions and comments from the committee. The Chair reminded the committee of the following written-only testimony:

Proponents written-only testimony:

Bob Corkins, Director, Office of Administrative Hearings ([Attachment 4](#))

Sheriff Frank Denning, KS Association of Sheriffs ([Attachment 5](#))

Neutral written-only testimony:

Scott Frank, Legislative Post Auditor ([Attachment 6](#))

There being no other testimony submitted at this time and no further questions, comments, or discussion, the hearing on **SB149** closed.

Hearing on: SB112 — Relating to citations issued by the department of wildlife, parks and tourism.

The Chair opened the hearing on **SB112**.

Chris Tymeson spoke in support of **SB112** which makes a change in the requirements of K.S.A.32-1049 related to issuance of a citation from *shall* to *may* and also suggests that subsection (f) in K.S.A. 8-2106, a parallel traffic statute that makes issuance of a citation permissive, also be stricken. ([Attachment 7](#))

There being no other testimony submitted at this time and no further questions, comments, or discussion, the hearing on **SB112** closed.

Hearing on: SB113 — Relating to licenses, permits, stamps and other issues of the department of wildlife, parks and tourism.

Chair King opened the hearing on **SB113**.

Chris Tymeson presented proponent testimony on this bill that relates to electronic licensing and also that only physical copies of licenses would be forfeited upon conviction of a violation. ([Attachment 8](#)) He addressed questions from the committee.

There being no other testimony submitted at this time and no further questions, comments, or discussion, the hearing on **SB113** closed.

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Hearing on: SB114 — Birth certificate amendments; charge for non-judicial personnel.

Chairperson King opened the hearing on **SB114**.

Bernie Lumbreras presented testimony in support of the bill, which proposes a \$22 assessment per certified order for the Judicial Branch surcharge, which is used to help fund non-judicial personnel. Ms. Lumbreras also requested an amendment to the bill that would strike the language that imposes a sunset on the surcharge for birth certificates. ([Attachment 9](#))

There being no other testimony submitted at this time and no further questions, comments, or discussion, the hearing on **SB114** closed.

Possible action on bills previously heard

The Chair turned the committee's attention to action on **SB15**. Jason Thompson gave a brief reminder on the bill and also determined that there was a request for amendment from Helen Pedigo in her written testimony on January 28, 2015.

Senator Petersen moved the Pedigo amendment; seconded by Senator Haley; the motion to amend carried.

*Chairperson King moved **SB15**, as amended be recommended favorably for passage; seconded by Senator Smith; the motion carries.*

The Chair turned attention to action on **SB38**. Jason Thompson distributed and explained a substitute bill that is the result of combined efforts of all who have previously given testimony on this bill through a special committee on the Judiciary that convened over the break. ([Attachment 10](#))

The Chair opened the floor for questions, discussion, and motions. Questions from Senator Pilcher-Cook, Senator Haley, and Senator Knox were addressed by the Chair, Mr. Thompson, and Kathy Taylor.

*The Chair moved the draft **Substitute SB38** as an amendment to **SB38**; seconded by Senator Petersen; the motion carries.*

Senator Pilcher-Cook moved to strike the language contained in (c)(5); seconded by Senator Lynn; the motion carries. Senators Haley and McGinn requested to be recorded as "No" votes.

*Senator Lynn moved **Substitute SB38**, as amended, be recommended favorably for passage; Senator Pilcher-Cook seconded; the motion passed.*

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.

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Chair King turned attention to action on **SB59**. Jason Thompson distributed a balloon amendment and explained its provisions. ([Attachment 11](#))

Chair King moved the amendment; seconded by Senator Smith; the motion to amend carries.

*Senator Pilcher-Cook moved **SB59, as amended**, be recommended favorably for passage; seconded by Senator Petty; the motion carries.*

The Chair turned attention to action on **SB104**. Jason Thompson distributed a balloon amendment containing technical changes related to terminology. ([Attachment 12](#)) It was also noted that DCF offered a balloon amendment in their testimony on February 16, 2015.

Chairperson King moved the technical amendment; seconded by Senator Lynn; the motion carries.

Senator Petty moved the DCF amendment; Senator Lynn seconded; motion carries.

*Senator Lynn moved **SB104, as amended**, be recommended favorably for passage; the motion passes.*

Chair King turned attention to action on **SB184**. Jason Thompson gave a brief reminder of the bill provisions.

*Senator Lynn moved **SB184** be recommended favorably for passage and placement on the Consent Calendar; seconded by Senator Knox; motion passes.*

The Chair turned the committee's attention to action on **SB148**. Jason Thompson gave a brief reminder on the bill.

The Chair opened the floor for questions, discussion, and motions. Mr. Thompson answered questions from Senators Haley and Pettey.

*Senator Pilcher-Cook moved **SB148** be recommended favorably for passage; Senator Petersen seconded; the motion carries.*

The Chair announced that there will be no meeting on Friday, February 20, 2015. The meeting is adjourned at 12:11pm. The next scheduled meeting is Monday, February 23, 2015 at 10:30 am.