

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:45am on Thursday, March 19, 2015, 346-S of the Capitol.

All members were present except:

Senator Terry Bruce – Excused

Senator Pat Pettey – 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

Jason Thompson, Office of Revisor of Statutes

Conferees appearing before the Committee:

Nathan Eberline, General Counsel, Kansas Association of Counties;

Others in attendance:

[See Attached List](#)

Hearing on: HB2246 — Municipalities; payment of claims, notice of claims procedures; employees added.

Chair King opened the hearing on **HB2246**. Jason Thompson gave a brief overview of the bill.

Nathan Eberline gave testimony in support of the bill. This is a corrective bill that puts things back into the normal process of operation for notice. Mr. Eberline related that this bill could be placed on the consent calender, if the committee so chooses. ([Attachment 1](#))

The Chair also pointed to proponent written-only testimony submitted:

David R. Cooper, Kansas Association of Defense Counsel ([Attachment 2](#))

Mike Koss, Legal Counsel, League of Kansas Municipalities ([Attachment 3](#))

There being no other questions, comments, discussion, and no other testimony submitted at this time, the hearing was closed on **HB2246**.

Discussion & action on: HB2048, HB2124, HB2256, HB2111, SB255, SAB232, HB2115, Sub HB2159, and HB2246.

Chair King turned attention to action on **HB2246**.

The Chair opened the floor for questions, discussion, and motions.

*Senator Pilcher-Cook moved **HB2246** be recommended favorably for passage and placement on the*

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Consent Calendar; seconded by Senator Lynn; the motion carried.

The Chair turned attention to action on **HB2048**. Jason Thompson gave a brief summary of the bill and then also distributed a balloon amendment entitled the King balloon. The provisions of such an amendment were discussed in the bill hearing on March 10, 2015. ([Attachment 4](#))

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

Senator Pilcher-Cook moved **HB2048, as amended**, be recommended favorably for passage; seconded by Senator Smith; the motion passed.

Chairperson King turned attention to action on **HB2124**. Jason Thompson gave an overview of the bill and distributed an amendment with technical corrections to the Uniform Commercial Code. He explained the amendment, which he incorporated into a substitute bill, so it would be easier to see the changes. ([Attachment 5](#))

Chair King moved to amend **HB2124** by adopting the substitute bill; seconded by Senator Petersen; the amendment carried.

Senator Pilcher-Cook moved that **Senate Sub for HB2124**, be recommended favorably for passage; seconded by Senator Knox; the motion passed.

Chair King turned attention to action on **HB2256**. Jason Thompson gave an overview on the bill. Jason called attention to a couple of technical amendments included in the bill.

Chair King moved to amend **HB2256** by placing the word "the" before the word "lien" on page 1, line 30 so it reads "the claim for the lien is recorded"; seconded by Senator Haley; the motion carried.

Senator Knox moved that **HB2256, as amended**, be recommended favorably for passage; seconded by Senator Petersen; the motion passed.

Chairperson King turned attention to action on **HB2111**. Jason Thompson gave a brief refresher on the bill, which amends the Kansas Civil Procedure Code. Chairperson King asked Jason Thompson for a simple amendment idea and he suggested the bill be amended by changing the effective date to the date of publication in the *Kansas Register*.

Chair King moved the amendment; seconded by Senator Petersen; the motion to amend passed.

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Senator Pilcher-Cook moved that **HB2111, as amended**, be recommended favorably for passage; seconded by Senator Knox; the motion carried.

The Chair turned attention to action on **HB2115**. He announced that the substance of this bill had been passed in an amended form an hour ago by the Senate Corrections Committee.

Senator Petersen moved to create a substitute bill by stripping the contents of **HB2115** and inserting the contents of **SB19** in its entirety; Senator Knox seconded the motion; the motion passed.

Senator Petersen moved that **Senate Sub for HB2115** be recommended favorably for passage; seconded by Senator Love; the motion passed.

Chair King turned attention to action on **Substitute for HB2159**. Jason Thompson distributed the King balloon amendment, ([Attachment 6](#)) then gave a refresher on this bill which pertains to expungements and some technical clean-ups. Chair King explained the King balloon, which would deal with the true first-time DUI offender. Its provisions would allow an offender to get an expungement after five years, but for the habitual offender - the second and further times - it would return the law to the recommendation of the DUI Commission of 10 or more years.

There was discussion; questions relating to how the bill affects diversions and DUIs were addressed by Jason Thompson and Chairperson King.

Chair King moved the King amendment; seconded by Senator Knox; the motion carried.

Chair King moved that **Sub HB2159, as amended**, be recommended favorably for passage; seconded by Senator Knox.

Before taking a vote on the committee's recommendation, Chair King announced that he wanted to make a second, conceptual amendment and open it for discussion. The Chair moved to make the provisions of **Sub HB2159, as amended**, inapplicable to legislators and the personal staffs of legislators in the 2015 session; seconded by Senator Knox for discussion purposes.

Chair King indicated that he was aware that some legislators or individuals on legislators' staffs (full-time staff) might benefit from this action in that it might be possible for them to get an expungement sooner than in the current law. He wants the public to know that the committee is doing this as broader public policy, not just for the benefit of the legislature. There was discussion about whether this would be good law and if making carve outs is helpful or merely mucks up what otherwise would be good policy. The Chair thanked the committee for their thoughtful and helpful discussion.

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With permission of Senator Knox, the seconder, Chairperson King, the movant, withdrew the conceptual motion.

Returning to discussion on the bill as previously amended, Senator Knox moved that **Sub HB2159**, as amended, be recommended favorably for passage; seconded by Senator Pilcher-Cook; the motion passed.

Chairperson King turned attention to action on **SB255**. The Chair opened the floor for questions, discussion, and motions.

Senator Knox moved that **SB255** be recommended favorably for passage; seconded by Senator Lynn; the motion passed.

Chair King turned attention to action on **SB232**. Jason Thompson gave a brief refresher on this bill regarding bogus liens filed against public officials.

Senator Pilcher-Cook moved that **SB232** be recommended favorably for passage; seconded by Senator Lynn; after discussion and questions from Senators Haley and McGinn were answered by Mr. Thompson, the motion was passed.

The meeting adjourned at 11:55am. Today is the last planned meeting of the Senate Judiciary Committee for the 2015 legislative session.