

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:45am on Wednesday, January 20, 2016, 346-S of the Capitol.

All members were present except:
Senator Garrett Love – Excused

Committee staff present:
Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Natalie Scott, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Natalie Nelson, Legislative Research Department
Suzanne Nelson, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:
Sandra Kimmons, Director, Economic & Employment Services, KS Department for Children and Families (DCF);

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

Bill introductions

Chair King called for bill introductions from the Committee. There were none.

Richard Cram, Kansas Department of Revenue, requested a bill to amend K.S.A. 8-1012 and legislatively reverse a recent Supreme Court holding in the *State v. Molitor* case that will hinder the effective administration of the DUI laws.

There being no questions or objections, the bill will be introduced.

Seeing no others requesting bill introductions, questions, or comments, the Chair opened the hearing on **SB19**.

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

Jason Thompson gave an overview of the bill and distributed a technical balloon amendment for **SB19**. He noted that there are five corrections which replace references to "K.S.A. 2014 Supp." with "K.S.A. 2015 Supp." Other areas of the bill have been amended to include language pertaining to electronic communications, including electronically read, reproduced, transmitted, and stored information; electronic service and notice of orders. This bill was passed out of committee twice last year but never

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made it above the line on General Orders. ([Attachment 1](#))

There being no questions or comments, Chair King called the first conferee, Sandra Kimmons. Ms. Kimmons presented testimony in support of **SB19**. She related that passage of this bill would allow electronic hearing notice, as agreed upon by parties, in a more expedient manner. She added that hearing documentation could also be submitted and exchanged electronically, if agreed by all parties, which would result in future savings on mailing, copying, and storage costs. Additionally, electronic transmission tracking would improve the administrative process. ([Attachment 2](#)) Ms. Kimmons stood for questions. There were none.

There being no other oral proponent testimony, Chair King directed the committee's attention to the written-only testimony in support of **SB19** as follows:

Bob Corkins, Director, Office of Administrative Hearings ([Attachment 3](#))

Susan Barker Andrews, Chief Counsel, Kansas Department for Aging and Disability Services ([Attachment 4](#))

There being no other proponent, neutral, or opponent testimony submitted, Chair King closed the hearing on **SB19**.

The Chair commented that he would like to work both **SB19** and **SB22** tomorrow, January 21, 2016, after the hearing on tomorrow's bills.

Hearing on: SB22 — Municipal court; notice of expungement of certain records and notice of disposition of appeals.

The Chair opened the hearing on **SB22**.

Jason Thompson gave an overview of the Proposed Substitute for **SB22**, a bill about expungements, which is substantively the same as the bill the committee passed out last year. However, the first three sections of the bill were amended last year by different bills, so, if the committee elects to go forward with the bill, it will need to adopt the substitute bill. Jason further stated there are also a couple of clean-up changes to correct sections that will be merged or repealed.

Jason related that substance of the bill deals with municipal court expungements in the first three sections, municipal court appeals in the last section, and ensuring that the existing loopholes are closed regarding transmittal of proper notice to the respective Clerks of the Municipal and District Courts. ([Attachment 5](#)) Jason stood for questions. There were none.

Chair King called the committee's attention to the Fiscal Notes contained in their folders for both **SB19** and **SB22**.

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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Nancy Strouse, Executive Director, Kansas Judicial Council, who submitted proponent testimony on the bill last year, was present to answer any questions regarding the bill.

The Chair, Ms. Strouse, and Jason Thompson responded to a question from Senator Petty regarding if certified copies could be transmitted electronically, or if in some cases, paper copies would still need to be used in smaller courts without the electronic capabilities.

Chair King called for other proponent, opponent, or neutral testimony. There being none, the Chair closed the hearing on **SB22**.

The Chair turned the committee's attention to working two bills previously heard.

Jason Thompson gave a brief reminder on **SB319**, the limited actions venue fix. There were no questions or comments.

*Senator Haley moved that **SB319** be reported favorably for passage and added to the Consent Calendar; seconded by Senator Smith; the motion carried.*

Chair King then turned the committee's attention to working **SB321**.

Jason Thompson provided a refresher on **SB321**, regarding the protective filing of wills. There were no questions or comments.

*Senator Smith moved that **SB321** be reported favorably and placed on the Consent Calendar; seconded by Senator Lynn; the motion carried.*

The business for the day being concluded, the meeting was adjourned at 11:05 a.m. The next meeting will be Thursday, January 21, 2016.