

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:40am on Thursday, February 18, 2016, 346-S of the Capitol.

All members were present except:  
Senator Mike Petersen – 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:  
No conferees present

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

**Possible action on bills previously heard**

The Chair turned the committee's attention to action on **SB362 -- Adding electronically stored information to the criminal justice information system; amending the rules of civil procedure concerning official records and authentication.**

Jason Thompson gave a brief refresher on the bill.

*Senator Smith moved; seconded by Senator Haley, that **SB362** be recommended favorably for passage; motion passed.*

The Chair turned the committee's attention to action on **SB393 -- Consideration of domestic abuse in determining the issue of custody, residency and parenting time of a child.**

Jason Thompson gave a brief refresher on the bill.

*Senator Pilcher-Cook moved; seconded by Senator Knox, that **SB393** be recommended favorably for passage; the motion carried.*

The Chair turned the committee's attention to action on **SB407 -- Reviving statute concerning**

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conditional release of person civilly committed under the sexually violent predator act.

Jason Thompson gave a brief reminder on the bill.

Senator Pilcher-Cook moved that **SB407** be recommended favorably for passage.

The Chair deferred to Senator Haley for an amendment which was distributed to the committee and audience. ([Attachment 1](#))

Senator Haley moved that in proposed Section 1. (b) "any residence in which a child under 18 years of age resides," be stricken; seconded by Senator Pettey.

There was discussion. Some members felt the 18 years of age and the 2000 feet requirements were unreasonable and that there should be a more thorough vetting of the ramifications of any proposed changes. The Chair agreed to reconsider proposed amendments to this bill after turnaround, provided Senator Haley could find an exempt committee where he could introduce the bill.

With consent of the seconder, Senator Pettey, Senator Haley withdrew his amendment in order to allow for further study on the bill and any amendments.

Senator Pilcher-Cook's motion for favorable passage was revived; seconded by Senator Knox; the motion passed.

The Chair turned the committee's attention to action on **SB415** -- Legislative review of exceptions to disclosure of public records.

Jason Thompson gave a brief refresher on the bill.

Senator Knox moved to recommend **SB415** for favorable passage; seconded by Senator Love; the motion carried.

The Chair turned the committee's attention to action on **SB408** -- Reporting and investigation of abuse, neglect and exploitation of persons; duties and powers of attorney general, law enforcement and department of corrections.

Jason Thompson gave a brief refresher on the bill.

Chair King moved to amend **SB408** with the Attorney General's balloon amendment that was attached to his testimony of 2-16-2016; seconded by Senator Haley; the motion to amend passed.

Senator Pilcher-Cook moved to amend by striking the references to "DCF" on page 2, lines 33 and 34, and on page 4, line 4, and to give the Revisor the leeway to make any other technical changes.

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necessary; seconded by Senator Bruce; the motion passed.

Senator Knox moved to amend **SB408** by adding the word "criminal" in front of "investigation" on page 5, line 11 and line 13 and to give the Revisor the leeway to make any other technical changes necessary; seconded by Senator Haley.

There was discussion. Jason Thompson reminded the committee that the Attorney General's amendment, which was adopted, also dealt with similar changes as the Knox amendment.

Senator Knox, with permission of the seconder, Senator Haley, withdrew his motion.

Senator Knox moved to recommend **SB408**, as amended, favorably for passage; seconded by Senator Pilcher-Cook; the motion carried.

The Chair turned the committee's attention to action on **SB378 -- Employment discrimination or retaliation protections for victims of domestic violence or sexual assault; complaint procedure; application of Kansas act against discrimination.**

Jason Thompson gave a brief refresher on the bill.

Chair King moved to adopt the balloon amendment proposed by the Kansas Human Rights Commission (KHRC); seconded by Senator Knox. ([Attachment 2](#))

Jason Thompson explained the KHRC balloon amendment. There were comments and discussion.

The King motion to amend passed.

Senator Smith distributed and Jason Thompson explained the Smith balloon amendment to **SB378**. ([Attachment 3](#))

Senator Smith moved his amendment; seconded by Senator Knox; the motion passed.

Senator Smith moved **SB378**, as amended, be favorably recommended for passage; seconded by Senator Love; the motion carried.

The Chair turned the committee's attention to action on **SB418 -- Amendments related to human trafficking, children in need of care and juvenile offenders.**

Jason Thompson gave a brief refresher on the bill.

Senator Knox moved that **SB418** be recommended favorably for passage; seconded by Senator Pilcher-Cook; the motion passed.

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The Chair turned the committee's attention to action on **SB453 -- Creating a program for early release from incarceration for parents in certain cases.**

Jason Thompson gave a brief refresher on the bill.

*Chair King moved to amend **SB453** by adopting the Department of Correction's amendment contained in the testimony of Secretary Johnnie Goddard on 2-17-2016; seconded by Senator Haley; the motion to amend carried.*

Jason Thompson advised of a few technical corrections that should be made. *Senator Pilcher-Cook moved to recommend **SB453**, as amended, and with technical changes, favorably for passage; seconded by Senator Knox; the motion carried.*

The Chair turned the committee's attention to action on **SB440 -- Supreme court general administrative authority over judicial branch.**

Jason Thompson gave a brief overview of the bill and answered questions.

*Senator Knox moved to insert **SB439 -- Grounds for impeachment of justices of the supreme court and certain judges of the district court -- into **SB440**; seconded by Senator Smith.***

There was discussion. It was explained that all of the reasons for impeachment mentioned in **SB439** were taken from actual cases where individuals were impeached. Some members expressed they did not think it good policy to insert **SB439** into **SB440**. They believed that something this important should have a hearing, be fully vetted, and be voted upon by its own merits. Other members thought that the Kansas Constitution clearly places impeachment powers in the house, with the trial on impeachment in the senate. They explained that the parameters of impeachment authority are clearly set forth in Article 2, Section 27 and 28 and Article 3, Section 15 of the Kansas Constitution. Merging **SB439** and **SB440** in a statute does not alter the constitution, but merely defines those impeachment parameters to give the house and senate guidance for applying what the constitution already provides.

*There being no further comments or discussion, the Knox motion was voted upon; the motion passed. Senators Haley, Pettey, and McGinn asked to be recorded as "No" votes.*

*Senator Pilcher-Cook moved that **S Sub SB440**, be recommended favorably for passage; seconded by Senator Knox; the motion passed. Senators Haley, Pettey, and McGinn asked to be recorded as "No" votes.*

The Chair turned the committee's attention to action on **SB454 -- Amending court docket fees and charges.**

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Jason Thompson gave a brief reminder on the bill.

Senator Pilcher-Cook moved that **SB454** be recommended favorably for passage; seconded by Senator Lynn; the motion carried.

The Chair turned the committee's attention to action on **SB410** -- Establishing a CARE family pilot program for foster care.

Jason Thompson presented a reminder on the bill.

Senator Pettey moved a conceptual amendment to strike sections (f)(1), (2) and (3) on page 2; seconded by Senator Haley; there was discussion. The amendment failed.

Senator Knox offered a balloon amendment, which was distributed to the committee and audience, then explained and discussed. ([Attachment 4](#))

Senator Knox moved his amendment; seconded by Senator Pilcher-Cook; the motion carried. Senator Petty asked to be recorded as a "No" vote.

Senator Pettey offered a balloon amendment, which was distributed to the committee and audience, then explained. ([Attachment 5](#))

Senator Pettey moved her amendment; seconded by Senator Haley; there was discussion; the motion failed.

Senator Pettey offered another balloon amendment, which was distributed to the committee and audience, then explained. ([Attachment 6](#))

Senator Pettey moved her amendment; there was no second; the motion died for lack of a second.

Senator Pettey moved a conceptual amendment changing the sunset date from 2022 to 2019; seconded by Senator Haley; there was discussion; the motion to amend failed.

Senator Knox moved to recommend **SB410**, as amended, favorably for passage; seconded by Senator Pilcher-Cook; the motion passed.

The Chair turned the committee's attention to action on **SB455** -- Amending the Kansas cigarette and tobacco products act.

Jason Thompson distributed and explained a balloon amendment that represents consensus among the proponent and opponent conferees that testified at the hearing on 2-17-2016, with exception of the KS Vapors Association group e-cigarette tax. ([Attachment 7](#))

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Senator Knox moved the amendment; seconded by Senator Haley; the motion carried.

Senator Knox offered a balloon amendment pertaining to the e-cigarette tax. Jason Thompson distributed and explained the amendment to **SB455**. ([Attachment 8](#))

Senator Knox moved the amendment; seconded by Senator Haley; the motion passed.

Chair King moved a conceptual amendment to **SB455** to page 7, line 33, deleting (b)(1) and restating the previous language of subsection (b)(2) with leeway to Jason Thompson to make technical changes as needed; seconded by Senator Pettey; the motion carried.

Senator Pilcher-Cook moved to table **SB455**; seconded by Senator Lynn; the motion passed.

The Chair turned the committee's attention to action on **SB428 -- Relating to eyewitness identifications.**

Senator Haley moved to amend **SB428** to a substitute bill by including the language proposed on page two in Marc Bennett's testimony on behalf of the Kansas County and District Attorney's Association dated February 17, 2016, and with leeway to Jason Thompson to make technical changes as necessary; seconded by Senator Pettey; the motion carried.

Senator Haley moved that **S SubSB428** be recommended favorably for passage; seconded by Senator Pettey; the motion carried.

The business of the day being completed, the meeting adjourned at 1:00 pm. The next meeting will be on Thursday March 3, 2016.