

MINUTES OF THE SENATE JUDICIARY

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:30 a.m. on January 16, 2009 in Room 545-N of the Capitol.

All members were present except:

Senator Terry Bruce- excused
Senator David Haley- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Jerry Donaldson, Kansas Legislative Research Department
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Lee Urban, Assistant Attorney General
J. Russell Jennings, Commissioner, Kansas Juvenile Justice Authority

Others attending:

See attached list.

Bill Introductions

Richard Samaniego, requested the introduction of two bills. One bill would amend K.S.A. 20-362 to increase docket fees by \$1 for the Prosecuting Attorneys' Training Fund. The second bill would amend K.S.A. 21-3437 concerning the mistreatment of dependent adults and new language for endangering a dependent adult. The bills were introduced without objection.

Lana Walsh, Office of Judicial Administration, requested the introduction of a bill which would simplify and update the process regarding the transmittal of documents in change of venue of care and treatment cases. The bills were introduced without objection.

Chairman Owens reopened the hearing on **SB 6 - Professional fund raisers; required disclosures**, indicating there were additional questions the committee wanted to address concerning the testimony of Mr. Lee Urban on January 15. Following discussion, Senator Schmidt indicated he would have language addressing the Attorney General's concern ready next week.

The Chairman closed the hearing on **SB 6**.

Chairman Owens opened the hearing on **SB 14 - Interstate compact for juveniles; compact administrator; Kansas council for interstate juvenile supervision**.

Russ Jennings appeared in support, providing an overview of the bill. Commissioner Jennings indicated the bill would create the Kansas Council for Interstate Juvenile Supervision to oversee and administer participation in the Interstate Compact for Juveniles, and to develop policies concerning the operations and procedures of the Compact within the state (Attachment 1).

There being no further conferees, the hearing on **SB 14** was closed.

The Chairman called for final action on **SB 19 - Concealed weapons; U.S. attorneys, county and district attorneys and assistants**.

The Chairman reviewed the bill. Senator Vratil moved, Senator Schodorf seconded, to recommend SB 19 the bill for passage. Following discussion including the request of a friendly amendment to include the Attorney General and Assistant Attorney Generals in the bill the motion was withdrawn.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary at 9:30 a.m. on January 16, 2009, in Room 545-N of the Capitol.

Senator Vratil moved, Senator Schodorf seconded, to amend **SB 19** to include the Kansas Attorney General and any Assistant Attorney General authorized by the Attorney General. Motion carried.

Senator Vratil moved, Senator Lynn seconded, to recommend **SB 19** as amended, favorably for passage. Motion carried.

Chairman Owens inquired of the committee to any objection to taking final action on **SB 14** heard earlier in the meeting. There was no objection.

Senator Owens called for final action on **SB 14 - Interstate compact for juveniles; compact administrator; Kansas council for interstate juvenile supervision.**

Senator Vratil moved, Senator Schodorf seconded, to amend **SB 14** by deleting language on page 1, line 33-34, and inserting language indicating one member of the Senate, appointed by the President of the Senate, and one member of the House, appointed by the Speaker of the House be members of the council. Motion carried

Senator Vratil moved, Senator Schodorf seconded to amend **SB 14** by deleting on page 2, line 3, "the Governor." Motion carried.

Senator Schodorf moved, Senator Kelly seconded, to recommend **SB 14** as amended, favorably for passage. Motion carried.

The next meeting is scheduled for January 20, 2009.

The meeting was adjourned at 10:15 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-16-09

NAME	REPRESENTING
Lane Wicks	Jud. Branch
Amy Campbell	KMHQ
Travis Love	Pinger, Smith, & Assoc.
Ed Krump	KACP + KPOA
Richard Smarney	Kenny & Assoc.
C.W. Klobe	KSAG
Michelle Buller	Capital Strategies
Katelyn Hyatt	KSC
Joe Mosmann	Hein Law Firm
George Teagarden	KAHD
JEREMY S BARCLAY	KDOC
Whitney Damm	KS BAR ASSN
Leslie Kaufman	Ks Co-op Council
Lois Weeks	SRS

TESTIMONY ON SB14

SENATE JUDICIARY COMMITTEE

January 16, 2009



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Commissioner
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The 35th state to adopt the provisions of the Interstate Compact for Juveniles occurred in September 2008. The compact is now being implemented. When Kansas adopted the new Interstate Compact a number of statutes were repealed that established the appointing authority for the position of Compact Administrator. JJA supports SB14 which establishes a process for appointment of the Compact Administrator as well as establishment of the Kansas Council for Interstate Juvenile Supervision. In making a recommendation to the Joint Committee on Corrections and Juvenile Justice Oversight during the interim, JJA looked to the adult compact provisions for guidance.

The provisions of SB14 will authorize the Governor to appoint the Compact Administrator. The Interstate Compact for Juveniles applies primarily to the juvenile offender population; therefore, we expect an executive level member of the Juvenile Justice Authority will serve as the Compact Administrator. The Governor recently appointed Dennis A. Casarona, Deputy Commissioner of the Juvenile Justice Authority, as the Compact Administrator for Kansas. This appointment was made in reliance upon the terms of the Interstate Compact as it exists today. The new compact will not take full effect until December 2009 at which time the provisions of the current compact will expire. This appointment was necessary in order to qualify an individual for participation and representation of Kansas in the organizational meeting of the National Interstate Commission for Juveniles who will undertake establishing operating policy and procedure among the participating states. The first meeting of the commission was in December. The Council of State Governments serves as the parent organization for the commission. During the December meeting, Dennis A. Casarona, Deputy Commissioner, was elected as a member of the executive committee of the commission as treasurer.

Kansas is also required to establish a state level council for interstate juvenile supervision. Minimum membership in the state council is established by the terms of the compact. Minimum membership includes: the compact administrator and at least one representative from the legislative, judicial and executive branches of government and victims groups. SB14 provides for appointment of members as follows:

- (1) The compact administrator or the compact administrator's designee;
- (2) the chief justice of the supreme court or the chief justice's designee;
- (3) the attorney general or the attorney general's designee;
- (4) a person representing crime victims groups appointed by the attorney general;
- (5) the commissioner of the juvenile justice authority or the commissioner's designee;
- and
- (6) one member of the legislature appointed by the legislative coordinating council.

The proposed membership of the Juvenile state level council differs from the adult model. JJA supports membership being limited to the number of individuals required to meet the membership requirements as stated in the interstate compact. Additionally, JJA supports one legislative member being appointed by the legislative coordinating council rather than four legislative members where appointing authority is shared between majority and minority leadership in both houses of the legislature.

Limiting the size of the council will reduce the costs of operations as well as reduce instances of scheduling conflicts which make meeting quorum requirements difficult. Quorum challenges occur currently in the case of the adult interstate council.

It should be noted that the state will have a \$17,000 annual dues requirement to support operations at the national level. In addition to the annual dues, attendance at certain national meetings by the compact administrator will be required and expenses for per diem and travel for state council members will also be required. Implementation of the new compact will require training of community level agencies and staff as well. JJA anticipates an additional operational expense of \$20,000 annually to fully implement the new compact. The expenses associated with this can be absorbed through existing resources with no additional funding being requested.