

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:30 a.m. on January 14, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the Committee:

Others attending:

See attached list.

Senator Owens welcomed everyone to the first committee meeting of the 2010 session and reviewed the guidelines for Committee

Bill Introductions

Senator Tim Owens introduced four bills. The first bill changes references to the act from "act for judicial review and civil enforcement of agency actions" to "the Kansas judicial review act" wherever it occurs. Senator Vratil moved, Senator Schmidt seconded, to introduce the bill. Motion carried.

The second bill concerns the Kansas Open Records Act and resolves a conflict in different versions of K.S.A. 45-221 created by 2009 HB 2099 and 2009 SB 336 by repealing K.S.A. 45-221. Senator Kelly moved, Senator Vratil seconded, to introduce the bill. Motion carried.

The third bill is the result of recommendations from the Kansas Judicial Council concerning the referral of 2009 SB 208 for study. It repeals capital murder, creates the crime of aggravated murder for the same conduct, the sentence is life without the possibility of parole. Senator Schodorf moved, Senator Vratil seconded, to introduce the bill. Motion carried.

The fourth bill is a recommendation from the Kansas DUI Commission to delay DUI penalty changes enacted in 2009 HB 2096 from July 1, 2010 to July 1, 2011. Senator Owens moved, Senator Vratil seconded, to introduce the bill. Motion carried.

Senator Derek Schmidt introduced three bills. The first bill addresses changes as a result of the hearing on 2009 SCR 1605 on the disqualification to vote. Senator Schmidt moved, Senator Kelly seconded, to introduce the bill. Motion carried.

The second bill concerns Kansas motorcycle laws regarding KIDS & HELMETS. Senator Schmidt moved, Senator Donovan seconded, to introduce the bill. Motion carried.

The third bill Conning a veteran. Senator Schmidt moved, Senator Owens seconded, to introduce the bill. Motion carried..

Kathy Porter, Office of Judicial Administration, requested the introduction of two bills. The first bill concerns uniformity in judicial surcharges as applied to Chapter 60 and Chapter 61 post judgment proceedings. The second bill would amend 26-510 regarding notification of payment of the Appraiser's award. Senator Schmidt moved, Senator Umbarger seconded, to introduce both bills. Motion carried.

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:30 a.m. on January 14, 2010, in Room 548-S of the Capitol.

Randy Hearrell requested the introduction of six bills. A bill pertaining to an admissibility of expression of apology by healthcare providers. Senator Kelly moved, Senator Vratil seconded, to introduce the bill. Motion carried.

A bill to amend the Kansas Guardianship and Conservatorship Act as a result of the Council's study of 2009 SB 235. Senator Vratil moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

A bill amending K.S.A. 60-2006 to increase the property damage amount which allow the prevailing party to receive attorney's fees from a limit of \$7500 to \$15,000. Senator Vratil moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

A bill amending K.S.A. 12-4117 clarifying which municipal ordinance violation is required the payment of an assessment. Senator Vratil moved, Senator Schmidt seconded, to introduce the bill. Motion carried.

A bill amending the Kansas Juvenile Justice Code which is requested as a result of a study of 2009 SB 88. Senator Schodorf moved, Senator Kelly seconded, to introduce the bill. Motion carried.

A bill amending the Kansas Code of Care of Children which is requested as a result of a study of 2009 SB 88. Senator Schodorf moved, Senator Kelly seconded, to introduce the bill. Motion carried.

Richard Samaniego requested the introduction of a bill concerning the ten year prohibition on gun possession to include methamphetamine and amphetamine drugs. Senator Kelly moved, Senator Schmidt seconded, to introduce the bill. Motion carried.

Richard Samaniego requested the introduction of a bill concerning the redaction of personal identifiers. Senator Schodorf moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

Joe Molina, Kansas Bar Association, requested the introduction of a bill concerning the Kansas Corporation Code Act to provide for clarifying language. Senator Bruce moved, Senator Donovan seconded, to introduce the bill. Motion carried.

### Interim Reviews

Athena Andaya, Kansas Legislative Research Department, provided a review of the Report of the Joint Committee on Corrections and Juvenile Justice Oversight to the 2010 Legislature and a review of the Report of the Kansas DUI Commission to the 2010 Legislature. Both reports are available through the Kansas Legislative Research Department.

Jerry Donaldson, Kansas Legislative Research Department, provided a review of the Report of the Special Committee on Judiciary to the 2010 Kansas Legislature and the Joint Committee on parole Board Oversight Report to the 2010 Kansas Legislature. by the Kansas Legislative Research Department. Both reports are available through the Kansas Legislative Research Department.

The next meeting is scheduled for January 15, 2010.

The meeting was adjourned at 10:30 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-14-10

NAME	REPRESENTING
Sean Miller	CAPITOL STRATEGIES
Cynthia Smith	SCL Health System
Barbara McNeal	Kansas Parole Board
Robert Sanders	" " "
Patti Biggs	" " "
Brenda Harmon	KSC
Richard Samaniego	Kenney & Assoc.
Rob Johnson	Federico Consulting
Randy Maxwell	Judicial Council
Chad Austin	KHA
Nancy Zogleman	Polzinelli
Kathy Purder	Judicial Branch
Kevin Barone	KIIA
Joc Mosimann	DMCA
Tom Sawyer	KANSAS PAROLE BOARD
RJ Wilson	KSAS
Travis Lowe	Little Govt Relations
Juni Roy	KCSL

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-14-10

NAME	REPRESENTING
Tim Maddon	KVOC
CHRIS BORTZ	KDOT
Melissa Wanyamann	KAC
Joseph Molin	KS BAR ASSN
Whitney Jamra	KS Bar Assn.