

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:36 a.m. on January 11, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor

Mary Blair, Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council (KJC)

Susan Bechard, Kansas County and District Attorneys Association (KCDAA)

Paul Davis, Kansas Bar Association (KBA)

Others attending: see attached list

Minutes of January 10, 2001 were approved on a motion by Senator Adkins, seconded by Senator O'Connor. Carried.

Conferee Hearrell summarized the following five bills the KJC is requesting for introduction: an amendment to correct conflicting language in current law relating to will and trust preparation as well as other instruments; enactment of the Kansas Estate Tax Apportionment Act; enactment of the Kansas Uniform Trust Code; clean-up amendments to the new Chapter 61 Code of Civil Procedure for Limited Actions as well as forms for use under the new code; and making Chapter 60 garnishment procedure parallel the procedure used under new Chapter 61 of the Code of Civil Procedure for Limited Actions. (attachment 1) Following informative discussion between the Conferee and Committee, Senator Goodwin moved to introduce the bills, Senator O'Connor seconded. Carried.

Conferee Bechard requested introduction of two bills which respectively would: give the crime of domestic battery it's own statute number so the offense will be identified as such in any pre-sentence investigation; and amend the HIV testing statutes making consistent the juvenile and criminal statutes to include testing for hepatitis and clearly defining the person financially responsible for the testing fees. (attachment 2) There was discussion regarding other blood borne diseases within the prison population and the possibility of including these in the bill. The Conferee agreed to include information on this when the bill was heard before Committee. Following further discussion, Senator Adkins moved to introduce the bills, Senator Donovan seconded. Carried.

Conferee Davis discussed a request by Kansans for an Independent Judiciary (KIJ) for introduction of a resolution recommended by the Kansas Justice Commission to authorize a vote of the people on a constitutional amendment that would provide for merit selection of judges and establish a Kansas Judicial Evaluation Commission. (attachment 3) Following lengthy discussion, Senator Goodwin moved to introduce the resolution, Senator Vratil seconded. Carried. Senator Vratil announced a hearing would be held on this issue on Tuesday January 23, 2001 in 123-S at 9:30 a.m. He stated that KIJ Co-chairs, Fred Logan and Jill Docking, would be testifying at that time.

Senator Schmidt discussed his request for introduction of a bill which would amend the Consumer Protection Act specifically the provision to sequester assets. His bill proposal would provide procedures to sequestration and define the function of sequestration of assets. Following brief discussion, Senator Oleen moved to introduce the bill, Senator Umbarger seconded. Carried.

The meeting adjourned at 10:25 a.m. The next scheduled meeting is Tuesday, January 16, 2001.