

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 13, 2006 in Room 313-S of the Capitol.

All members were present except:

Becky Hutchins- excused
Jim Ward- excused
Michael Peterson- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Melissa Wangemann, Office of Secretary of State
Kathy Olsen, Kansas Bankers Association
Tim Madden, Kansas Department of Corrections
Lisa Mendoza, Kansas Juvenile Justice Authority
Mark Rondeau, Sunflower Electric Power Corporation
Charles Benjamin, Sierra Club
Craig Volland, Specrum Technologists
Robert Eye, Attorney at Law
Senator Phil Journey
Kirk Lowry, Disability Rights Center of Kansas
Rick Cagan, National Alliance on Mental Illness
Rekha Sharma-Crawford, Attorney at Law
Kyle Smith, Kansas Bureau of Investigations

Chairman O'Neal opened the hearing on **SB 352 - uniform commercial code; filing of financing statements.**

Melissa Wangemann, Office of Secretary of State, explained that the proposed bill corrects a drafting error between the old Article 9 and the revised Article 9. It would provide that continuation statements must be filed every five years for security interests property and would become effective upon the publication in the Kansas Register. (Attachment 1)

Kathy Olsen, Kansas Bankers Association, appeared in support of the proposed bill and requested an amendment that would strike some language that was not stricken in the original bill. (Attachment 2)

The Kansas Credit Union Association did not appear before the committee but requested their written testimony in support of the bill be included in the minutes. (Attachment 3)

The hearing on **SB 352** was closed.

The hearing on **HB 2819 - time limit for transfers of certain offenders to reception & diagnostic unit, was opened.**

Tim Madden, Kansas Department of Corrections, appeared before the committee in support of the proposed bill which clarifies that the admission of newly sentenced offenders into the Reception and Diagnostic Facility must be done within 3 business days not 3 calendar days. (Attachment 4)

The hearing on **HB 2819** was closed.

CONTINUATION SHEET

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The hearing on **SB 201 - juvenile allowed to be placed in adult jail if juvenile of the record waived right to a hearing on motion requesting prosecution as an adult**, was opened.

Lisa Mendoza, Kansas Juvenile Justice Authority, stated the bill would make clear that when a juvenile offender has officially waived the right to a hearing on the motion that they be tried as an adult, the juvenile can be confined in an adult jail without violating the federal sight and sound requirements.

The hearing on **SB 201** was closed.

The Chairman opened the hearing on **SB 221 - mentally ill persons subject to involuntary commitment are not allowed to possess a firearm**.

Senator Phil Journey appeared as the sponsor of the bill which would require the courts to report to the Kansas Bureau of Investigation the commitment of an individual determined by the court to be a danger or themselves or others since July 1, 1998. It would also require the KBI to report those names to the Federal Bureau of Investigations so those individuals would not be able to clear the national background check for the purchase of a firearm. (Attachment 5)

Kirk Lowry, Disability Rights Center of Kansas, was concerned with provisions of the bill that would criminalize a person's mental illness regardless of whether or not they are a person who owns or wants to purchase a weapon. It places a persons who has been involuntarily civilly committed for treatment into the National Criminal Information Center database along with people who have committed crimes. (Attachment 6)

Rick Cagan, National Alliance on Mental Illness, did not take a position on gun ownership but was concerned with the lack of understanding mental illness and the requirement of placing those individuals in a national database. He was also concerned with the right to privacy under HIPPA, that is suppose to protect a consumer's medical records. (Attachment 7)

Kyle Smith, Kansas Bureau of Investigation, explained that Federal Law already prohibits those who are mentally ill from possessing a fireman. This bill is really about adding their names to a database to keep track of individuals who should not be allowed to purchase a firearm.

The hearing on **SB 221** was closed.

The hearing on **SB 361 - Kansas air quality act**, was opened.

Mark Rondeau, Sunflower Electric Power Corporation, appeared in support of the bill and explained that it simply eliminates a step in the appeals process by allowing the appeal to go directly from the KDHE Final Agency Action to the Appeals Court with a de novo review on the record. The reason for the request is that the current appeal process takes anywhere from 1 to 4 years before a final order is announced. It costs a tremendous loss of time, money and opportunities. (Attachment 8)

Charles Benjamin, Sierra Club, opposed all coal-fired electric plant because they emit toxic pollutants. He believes that the current judicial process is a good procedure and is not in need of a change. (Attachment 9)

Craig Volland, Specrum Technologists, main concern was the emission of mercury and fine particulate, use of fossil water for cooling and long-term regional impacts of global warming. (Attachment 10)

Robert Eye, Attorney at Law, agreed that the appeals process is a slow process but one that gets the outcome "right". The process allows issues to be defined and was concerned with the bill setting a pattern for others to exempt out of appealing to the district court. (Attachment 11)

The hearing on **SB 361** was closed.

CONTINUATION SHEET

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The hearing on **SB 381 - pleas; court advisory that conviction or guilty plea may have immigration, naturalization consequences**, was opened.

Rekha Sharma-Crawford, Attorney at Law, appeared before the committee as a proponent of the bill. It would add the term “nolo contendere” to the provision requiring the court to inform the defendant , that a conviction or guilty plea could have immigration or naturalization consequences. A benefit of the bill is that it protects those persons appearing in court by ensuring they are aware of all the ramifications of their plea, and protects society by ensuring that the pleas are valid and enforceable. (Attachment 12)

The hearing on **SB 381** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for 3:30 p.m. on March 14, 2006 in room 313-S.