

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on February 1, 2005, in Room 123-S of the Capitol.

All members were present except:

Donald Betts- excused

Committee staff present:

Jill Wolters, Office of Revisor of Statutes

Helen Pedigo, Office of Revisor of Statutes

Nancy Lister, Committee Secretary

Conferees appearing before the committee:

Senator Goodwin

Randy Hearrell, Office of Judicial Administration

Stan Hazlett, Office of Judicial Administration

Kathy Porter, Office of Judicial Administration

Others attending:

See attached list.

Chairman Vratil opened the meeting and announced he was appointing a sub-committee to work on **SB 27**. The Chairman appointed Vice-Chairman Bruce as Chair, Senator Schmidt and Senator Goodwin.

Chairman Vratil asked for bill introductions. Senator Goodwin introduced a bill on behalf of law enforcement in her district that would address a loophole in current law regarding minors consuming alcohol and evidence obtained which cannot be introduced because law enforcement uses pocket intoxilyzers. Jill Wolters is working with Senator Goodwin to draft the bill. Senator Bruce moved, seconded by Senator O'Connor, and the motion carried.

Chairman Vratil opened the hearing on **SB 50**.

**Final Action:**

**SB 50 Changing references to the soldiers and sailors civil relief act to the servicemembers civil relief act**

**Proponent:**

Randy Hearrell, Office of Judicial Administration, provided a brief history of the Act and pointed out that the Act is not being changed. The bill only substitutes the new phrase where the old one appears.

Chairman Vratil asked if there was a motion to recommend this bill favorably and put it on the consent calendar. Senator O'Connor moved, seconded by Senator Schmidt, and the motion carried.

Chairman Vratil opened the hearing on **SB 52**.

**SB 52 Providing employer contribution for health insurance for senior judges**

**Proponent:**

Kathy Porter, Office of Judicial Administration, stated that the bill allows the Supreme Court to begin paying the employer contribution for senior judges who participate in the senior judge program. (Attachment 1) A fiscal note indicates the program would cost \$79,000, which would come from state general funds. The funds would not vary, because contracts offered to judges are based on the budget. (Attachment 2) Ms. Porter stated the effective date is July 1, 2006, when appropriations would be available.

Chairman Vratil stated that the bill intended for the Supreme Court to have the discretion to begin paying the employer contribution, but noted the bill, on page 1, line 27, directs the court by the language "shall". The Chairman offered that "may" be used instead, to allow the court more flexibility. Ms. Porter concurred.

## CONTINUATION SHEET

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The Chairman closed the hearing on **SB 52** and asked the Committee to consider final action on **SB 5**.

### **Final Action:**

#### **SB 5 Trade secret defined as in uniform trade secrets act**

Chairman Vratil noted that there was a tentative agreement to amend the bill so an individual agency head did not make the decision whether confidential information constituted a trade secret and he passed out a balloon amendment which reflected this position. Jill Wolters pointed out that deletions within the bill on pages 5, 8, 12 and 13 were done to make the definition of trade secrets uniform throughout the bill. Senator Bruce moved to accept the balloon amendment, seconded by Senator O'Connor, and the motion carried. A motion was made to recommend the bill favorably as amended. Senator O'Connor moved, seconded by Senator Bruce, and the motion carried.

Chairman Vratil asked the Committee to turn its attention to **SB 30**.

#### **SB 30 Exercising the state's option to provide an exemption to disqualification for public assistance to certain drug offenders**

Chairman Vratil noted a fiscal note on the bill reflected a price of \$375,000 from general funds, and a total of \$712,000 from all funds. (Attachment 3) Senator Journey requested an amendment be drafted that would give a case worker discretionary authority to require periodic random urinalysis tests to determine that an individual is no longer a substance abuser. The \$20 test would be at the expense of the welfare recipient. A motion was made that revisions be drafted and added to the bill. Senator Journey moved, seconded by Senator O'Connor and the motion carried. The Chairman stated that once the revisions were made and the Committee could review them, then final action would be taken.

Chairman Vratil asked the Committee to turn its attention to **SB 36**.

#### **SB 36 The supreme court may require applicants to practice law to be fingerprinted and submit to a national criminal history record check**

Stan Hazlett, Office of Kansas Disciplinary Administrator, clarified a statement he made during a previous hearing. He stated that the intent is that all applicants would continue to be subject to the KBI check and the expanded FBI check authorized by this bill would be run only on applicants who are from out of state, who have at one time resided out of state, or for whom a more thorough background investigation appears to be warranted. This meant the expanded check would be run on approximately 50 percent of applicants.

Senator Schmidt recalled that an issue came up last year before the Committee regarding approximately 30 individuals who had attended a now defunct law school in Wichita and had relied upon the assurances of that entity that they would become accredited for the purposes of being admitted to the bar. The reason that the bill did not advance was because some felt it was beyond the legislature's authority to deal with matters of qualifications for admission to the bar, that some had asserted that authority should be the Supreme Court's prerogative. Senator Schmidt questioned that if that was the case on the former bill, why would the legislature now have the authority to act on admission to practice law. Chairman Vratil stated that the bill gives the Supreme Court discretion to use the fingerprint authority and criminal history records check, but does not require them to use it. The difference in the bill is the authority is discretionary by use of the word "may" in line 13 of the bill. Senator Schmidt requested an amendment be drafted that added a section that would give discretionary authority to the Supreme Court to grant admission to the bar in the State of Kansas for those individuals that had graduated from the President's law school in Wichita. Senator Schmidt moved, Senator Donovan seconded, and the motion carried. Chairman Vratil stated once the amendment was made, the Committee would review the amendment and then take final action.

Chairman Vratil asked the Committee to consider final action on **SB 25**.

### **Final Action:**

#### **SB 25 Terrorism and illegal use of weapons of mass destruction, penalties, procedures**

## CONTINUATION SHEET

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Chairman Vratil noted that page 7 of the bill, sub-section (d), beginning on line 13, needed to be amended. Jill Wolters stated that the new language in italics, lines 15-19, needed to follow the period on line 12, sub-section (c). The Chairman directed Ms. Wolters to make a technical amendment to reflect this change. Senator Bruce stated that the intent of the bill was to make “attempt or conspiracy to attempt to do an act of terrorism” the same severity level as if one were successful in performing an act of terrorism. Senator Bruce requested that a technical amendment should also add the language “conspiracy to commit” after the “attempted to commit”. Senator Bruce moved to make the amendments, seconded by Senator Goodwin, and the motion carried. Senator Bruce moved to recommend the bill favorably out of Committee as amended, seconded by Senator O’Connor, and the motion carried.

Chairman Vratil asked for approval of the minutes from the Judiciary Committee meetings held January 11, January 12, and January 13, 2005. Senator O’Connor moved to approve the minutes, seconded by Senator Umbarger, and the motion carried.

Chairman Vratil adjourned the meeting at 10:30 A.M. The next meeting is scheduled for February 2, 2005.