

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Vratil at 9:35 a.m. on January 28, 2003 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department  
Lisa Montgomery, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Kathy Porter, Office of Judicial Administration  
Jeanne Turner, Clerk of the 5<sup>th</sup> Judicial District, Lyon County

Others attending: see attached list.

**SB 17 - Appointment of clerks and nonjudicial personnel by the chief judge of each judicial district**

Chairman Vratil opened the hearing on **SB 17**. Conferee Porter testified in support of **SB 17**, and explained that currently K.S.A. 20-343 provides that the chief judge is to appoint the clerk of the district court with the approval of a majority of the other district judges and designate one clerk as the chief clerk, with the approval of a majority of the other district judges of the judicial district. She said that K.S.A. 20-345 includes this same provision for court services officers, secretaries, and other nonjudicial personnel. Ms. Porter told the Committee that **SB 17** would allow the chief judge to make these appointments without requiring the approval of the majority of the district judges. (Attachment 1)

The Chair noted that the fiscal note on **SB 17** revealed no fiscal effect on its operations. (Attachment 2)

There being no other conferees to appear before the Committee on this bill or questions from Committee members, Chairman Vratil closed the hearing on **SB 17**.

**SB 18 - Issuance of executions and orders of sale**

Chairman Vratil opened the hearing on **SB 18**. Conferee Turner testified in support of **SB 18** which proposes a clarification of procedures set forth in K.S.A. 60-2401(b) of who signs executions and orders of sale. She said that currently in this statute there is no specific wording on who is to sign these executions or orders, and in practice they have clerks signing them plus judges signing them. She explained that the new wording in this subsection would be changed to read that "executions and orders of sale shall be issued by the clerk and signed by the judge". (Attachment 3)

The Chair distributed copies of the fiscal note for **SB 18**, and it indicated the Office of Judicial Administration states that passage of **SB 18** would have no fiscal effect on the Judiciary. (Attachment 4)

Following general discussion and questions, the Chair closed the hearing on **SB 18**.

Chairman Vratil stated that he thought this bill would be appropriate to place on the Consent Calendar.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at on January 28, 2003 in Room 123-S of the Capitol.

Senator Oleen made a motion to pass the bill favorably and have it placed on the Consent Calendar. The motion was seconded by Senator O'Connor, and the motion carried.

**SB 19 - Mandatory retirement age of 75 for judges and justices**

Chairman Vratil opened the hearing on **SB 19**. Conferee Porter testified in support of **SB 19** which would allow judges to serve until the age of 75. She stated that a strong consideration for doing so was in order to retain the experience and wisdom of seasoned judges. She said that the Kansas District Judges Association Executive Board voted unanimously to support passage of the bill. (Attachment 5)

The Chair distributed copies of the fiscal note covering **SB 19**, and it stated that according to KPERS, passage of this bill would have no fiscal effect. (Attachment 6)

There being no other conferees to appear to testify on this bill, the Chairman closed the hearing on **SB 19**.

**Final Action on:**

**SB 15 - warning to tenants relating to termination notices with new conditions not contained in rental agreement**

**SB 14 - criteria for employment in adult care homes and by home health agencies**

**SB 11 - bill by Jt. Committee on Corrections & Juvenile Justice creating community advisory committee**

Senator Schmidt spoke briefly on **SB 15**, which he sponsored for introduction, since he was unable to be in attendance on the day of hearing **SB 15**. He stated that this bill proposes one narrow amendment to the Residential Landlord-Tenant Act, and offers alternative language of the originally drafted bill. He gave examples of the problems incurred with tenants signing the Notice of Intent to Vacate forms not knowing that additional stipulations had been inserted. (Attachment 7)

After general questions and discussion, Chairman Vratil reviewed **SB 15**. Senator Goodwin made a motion to pass this bill out favorably, Senator Oleen seconded, and the motion carried.

The Chair called for discussion and final action on **SB 14**. Senator Schmidt made comments regarding the written testimony given during the hearing on this bill. He explained that convictions under the theft statute, K.S.A. 21-3701, can either be misdemeanor or felony convictions depending upon the amount of property stolen. He said the problem was that during background checks all felony thefts are reported, but misdemeanors are not. He supports the reporting of all theft convictions in order to have a complete history reported for background checks.

Following general questions and discussion, Senator O'Connor moved to pass **SB 14** out favorably, seconded by Senator Schmidt, and the motion carried.

Chairman Vratil reviewed **SB 11**, and called for discussion and final action on the proposed bill. It was pointed out during Committee discussion that the Community Advisory Committee could function without having to mandate legislation, but the participants felt more comfortable having it on the books. After brief discussion by Committee members, Senator Umbarger moved to pass **SB 11** out favorably,

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at on January 28, 2003 in Room 123-S of the Capitol.

seconded by Senator Goodwin. The Chair called for a hand vote of the Committee. The vote was a tie; five affirmative votes and five negative votes. In order to move the bill forward for Senate consideration, the Chair voted to break the tie, and voted affirmatively. The motion carried to pass the bill out favorably.

The Chair reviewed **SB 3**, and called for Committee discussion and final action. After considerable discussion, the Chair postponed further discussion and final action on **SB 3** due to time restraints.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is January 29, 2003.