

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30pm on Tuesday, January 20, 2015, 112-N of the Capitol.

All members were present except:

Representative Janice Pauls – Excused
Representative Annie Kuether – Excused
Representative Pam Curtis – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department
Robert Allison-Gallimore, Legislative Research Department
Katherine Goyette, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Scott Frank, Legislative Post Auditor
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association and Kansas Peace Officers Association

Others in attendance:

[See Attached List](#)

Bill introductions

Chairperson Barker introduced a bill at the request of Representative Janice Pauls relating to the disclosure of unanticipated medical outcomes and errors. This is a shorter version of the bill introduced last year. Hearing no objection, the bill was accepted.

Representative Mark Kahrs introduced a bill that would allow E-filing payment fees as costs. The bill was accepted.

Representative Tom Sloan introduced a bill relating to a tracking device on prepaid wireless devices for law enforcement agencies. The bill was accepted.

Representative Tom Sloan introduced a bill allowing law enforcement officers to transport certain individuals to regional mental health facilities. Hearing no objection, the bill was accepted.

Joe Molina of the Kansas Bar Association introduced a bill relating to transfer on death deeds inserting an anti-lapse provision. The bill was accepted.

Joe Molina then introduced a bill relating to the Uniform Trust Code and the use of mediation and alternative dispute resolutions in trust instruments. The bill was accepted.

Joe Molina introduced a bill amending K.S.A. 59-505, repealing the requirement that both spouses sign

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30pm on Tuesday, January 20, 2015, 112-N of the Capitol.

in the transfer of real property and lien on the spouse's elective share when the property is divided in divorce situations. The bill was accepted.

Chairperson Barker announced that no additional bill introductions will be allowed after January 29, 2015.

Hearing on: HB2009 — Authorizing the division of post audit to background check contractors and other workers.

Chairperson Barker opened the hearing on **HB2009**. Katherine Goyette of the Office of Revisor of Statutes gave an overview of the bill.

Chairperson Barker recognized Scott Frank, Legislative Post Auditor, to testify as a proponent. [\(Attachment 1\)](#) Mr. Frank gave a brief overview of the role of the Legislative Post Audit agency.

They have access to all public records, including confidential and sensitive information. **HB2009** expands their ability to conduct criminal background checks on the people that work for this agency. At present, they cannot conduct background checks on temporary employees and outside contractors, and that is why they need this bill. This is strictly for their employment decisions and has nothing to do with the audits they conduct. The KBI has no issues with the language in this bill. In addition, local law enforcement may ask for an amendment allowing them to recover their costs, and he would have no objection to that.

Questions were asked by Representatives James Todd, John Carmichael, Steve Becker, and John Rubin.

There was some discussion as to whether the term "contractor" should be in the bill as this is primarily related to long-term temporary employees. Representative John Rubin stated that he thinks the term "contractor" should be in the bill. He intends to offer an amendment that will clarify that these are contractors working for or under the direction of the Legislative Post Auditor, as opposed to other state contractors that they might be investigating.

Chairperson Barker recognized Ed Klumpp, on behalf of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association and Kansas Peace Officers Association, to testify as a neutral on **HB2009**. [\(Attachment 2\)](#) Their only issue is that they want language added clarifying that they can recover their actual costs for taking the fingerprints. No questions were directed to Mr. Klumpp by the Committee.

Chairperson Barker closed the hearing on **HB2009**.

The next meeting is scheduled for January 21, 2015.

There being no further business, the meeting was adjourned at 4:08 p.m.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30pm on Tuesday, January 20, 2015, 112-N of the Capitol.