

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Monday, March 16, 2015, 112-N of the Capitol.

All members were present except:

Representative James Todd – Excused

Representative Travis Couture-Lovelady – 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:

Derek Schmidt, Attorney General

Professor Mike Kautsch

Doug Anstaett, Kansas Press Association

Melissa Wangemann, Kansas Association of Counties

Dick Carter

Honorable Ryan Dixon

Honorable Merlin Wheeler

Amanda Truan

Others in attendance:

[See Attached List](#)

Hearing on: SB206 — Enforcement of open records and meetings; attorney general; fund.

Chairperson Barker opened the hearing on **SB206**. An overview of the bill was given by Katherine Goyette, Office of Revisor of Statutes.

Chairperson Barker recognized Derek Schmidt, Attorney General, as a proponent of **SB206** ([Attachment 1](#)). Questions were asked of the General by Representatives Steven Becker, Dennis Highberger, Craig McPherson, Blaine Finch, and Jim Ward.

Professor Mike Kautsch then testified as a proponent of **SB206** ([Attachment 2](#)).

The Chair then recognized Doug Anstaett, Kansas Press Association, as a proponent of **SB206** ([Attachment 3](#)).

Melissa Wangemann testified as a proponent of **SB206** on behalf of the Kansas Association of Counties ([Attachment 4](#)). Representative Jim Ward questioned Ms. Wangemann.

Chairperson Barker directed the committee's attention to the written proponent testimony of Kent

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Cornish for the Kansas Association of Broadcasters ([Attachment 5](#)) and the written neutral testimony of Nicole Proulx Aiken on behalf of the Kansas League of Municipalities ([Attachment 6](#)).

Chairperson Barker closed the hearing on **SB206**.

Hearing on: SB128 — Creating an exception to the Kansas open records act for municipal judges, city attorneys and certain special assistant attorneys.

Chairperson Barker opened the hearing on **SB128**. An overview of the bill was given by Katherine Goyette, Office of Revisor of Statutes.

Chairperson Barker called upon Dick Carter to testify as a proponent of **SB128** ([Attachment 7](#)).

Chairperson Barker recognized the Honorable Ryan Dixon, Municipal Court Judge, Overland Park, Kansas, as a proponent of **SB128**. He stated that they have had three separate felony criminal threat charges in the last two years filed against defendants who have come into their courts. In 2014 they had over 42,000 criminal ordinance violations lodged in their city. They are asking that they be added to list of exemptions. Judge Dixon did not provide any written testimony.

There were no further conferees on **SB128**. Chairperson Barker noted that there was written proponent testimony from Nicole Proulx Aiken, League of Kansas Municipalities ([Attachment 8](#)).

The hearing was closed by the Chair on **SB128**.

Hearing on: SB183 — Collection of debts owed to courts.

Chairperson Barker opened the hearing on **SB183**. Katherine Goyette, Office of Revisor of Statutes, gave an overview of the bill.

Chairperson Barker recognized the Honorable Merlin Wheeler as a proponent of **SB183** ([Attachment 9](#)). Questions were directed to Judge Wheeler by Representatives Jim Ward, Mark Kahrs, and Chairperson John Barker.

Amanda Truan, District Court Clerk in Ellis County, provided proponent testimony on behalf of **SB183** ([Attachment 10](#)).

Chairperson Barker noted that there was written proponent testimony from Jeff Chanay, Deputy Attorney General ([Attachment 11](#)) and the written neutral testimony from Trisha Thomas, Department for Children and Families ([Attachment 12](#)).

Seeing that there were no further conferees, Chairperson Barker closed the hearing on **SB183**.

Possible action on bills previously heard

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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SB23 - Authorized restrictions of driving privileges; ignition interlock devices.

HB2040 - Amending which convictions are counted for driving while canceled, suspended or revoked.

Chairperson Barker asked the committee to open their files on **SB23** and **HB2040**.

*Representative John Carmichael moved that **SB23** be reported favorably for passage, seconded by Representative Fred Patton.*

*Representative John Carmichael moved to amend **SB23** by incorporating the contents of **HB2040** in the form that it was passed out of committee earlier this year, seconded by Representative Randy Powell.*

At the request of Representative Mark Kahrs, Katherine Goyette, Office of Revisor of Statutes, gave an overview of **HB2040**.

Representative John Rubin objected to **HB2040** relating to the convictions for driving while suspended that would also apply to suspensions resulting from DUI offenses or test refusals. If the current amendment passes, he will have another amendment to exclude from the operation of these provisions suspensions resulting from DUI convictions for test refusals.

Representative John Carmichael stated that he concurred with Representative Rubin's comments.

*Representative John Carmichael closed on his motion to add the contents of **HB2040**, as amended by House Committee on Judiciary A vote was taken. The ayes had it. The amendment to **HB2040** passed.*

Representative John Rubin stated that he has a balloon amendment ([Attachment 13](#)). He explained the amendment.

*Representative John Rubin moved that the amendment to **HB2040** be passed favorably, seconded by Representative Mark Kahrs.*

Representative John Carmichael supports the amendment.

*Representative John Rubin closed on his amendment. A vote was taken, and the amendment to **HB2040** passed favorably.*

*Representative John Carmichael moved to favorably pass **SB 23**, as amended, seconded by Representative John Rubin. **SB23**, as amended, passed.*

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Chairperson Barker adjourned the meeting at 4:40 p.m. The next meeting will be held on March 17, 2015.