

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Thursday, March 10, 2016, 112-N of the Capitol.

All members were present

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Jenna Seematter, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Leslie Moore, Kansas Bureau of Investigation
Brock Abbey, Kansas County and District Attorneys Association
Crystalee Protheroe
Jill Renee
Charles Harris, Kansas Judicial Council
Hon. Eric Commer
Ron Nelson, Kansas Bar Association
Hon. Keven O'Grady, Kansas District Judges Association

Others in attendance:

[See Attached List](#)

Chairperson Barker advised the Committee that they had been provided with copies of the minutes from the meetings of February 8, February 9, February 11, February 15, February 16, February 17, and February 18.

Representative John Carmichael moved that the Minutes of February 8, February 9, February 11, February 15, February 16, February 17, and February 18 be approved, seconded by Representative John Whitmer. The minutes were approved.

Hearing on: SB362 — Adding electronically stored information to the criminal justice information system; amending the rules of civil procedure concerning official records and authentication.

Chairperson Barker opened the hearing on **SB362**. An overview was given by Jason Thompson, Revisor. Questions were asked by Representative John Carmichael.

Chairperson Barker recognized Leslie Moore of the Kansas Bureau of Investigation as a proponent of

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SB362 ([Attachment 1](#)).

Brock Abbey testified as a proponent on behalf of the Kansas County and District Attorneys Association ([Attachment 2](#)).

Chairperson Barker noted that there was written proponent testimony from Amanda Voth of the Attorney General's Office ([Attachment 3](#)) and Ed Klumpp on behalf of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and the Kansas Peace Officers Association ([Attachment 4](#)).

Seeing that there were no further conferees, Chairperson Barker closed the hearing on **SB362**.

Hearing on: SB393 — Consideration of domestic abuse in determining the issue of custody, residency and parenting time of a child.

Chairperson Barker opened the hearing on **SB393**. Jenna Seematter gave an overview on the bill.

Chairperson Barker recognized Crystalee Protheroe as a proponent ([Attachment 5](#)).

Jill Renee testified as a proponent of **SB393** ([Attachment 6](#)). Representative Annie Kuether made comments.

Chairperson Barker noted that there was written proponent testimony from Dorthy Stucky Halley for the Office of the Attorney General ([Attachment 7](#)) and Joyce Grover and Jessica Nasternak on behalf of the Kansas Coalition Against Domestic and Sexual Violence ([Attachment 8](#)).

Chairperson Barker recognized Charles Harris, a member of the Family Law Advisory Committee of the Kansas Judicial Council, as an opponent to **SB393** ([Attachment 9](#)). Comments and questions were made by Representatives John Carmichael, John Rubin, Craig McPherson, Leslie Osterman, and John Whitmer.

Eric Commer, District Court Judge of the Eighteenth Judicial District, testified as an opponent of **SB393** ([Attachment 10](#)). Questions were asked by Representatives John Carmichael and Kyle Hoffman.

Judge Keven O'Grady provided neutral testimony on behalf of the Kansas District Judges Association ([Attachment 12](#)).

Ron Nelson of the Kansas Bar Association provided neutral testimony on **SB393** ([Attachment 11](#)). Chairperson Barker inquired as to whether this bill should be sent to the Judicial Council, and Mr. Nelson stated that it should.

Chairperson Barker noted that there was written neutral testimony from Milfred "Bud" Dale, Ph.D.

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[\(Attachment 13\)](#).

Seeing no other conferees, Chairperson Barker closed the hearing on **SB393**.

Possible action on bills previously heard

SB415 - Legislative review of exceptions to disclosure of public records.

*Representative John Carmichael moved to have the Committee reconsider its previous action on **SB415, as amended**, seconded by Representative Jim Ward.*

At Chairperson Barker's request, Jenna Seematter, Revisor, provided an overview of the open records exceptions in **SB415** [\(Attachment 14\)](#). Comments were made by Representatives Janice Pauls and Pam Curtis.

The Chairperson called for a vote on the motion for reconsideration, and the motion passed.

*Representative John Rubin moved to amend **SB415** by adding a sunset date of July 1, 2021, to each of the exemptions in the bill, seconded by Representative John Whitmer.*

Representative Dennis Highberger expressed his opposition to the amendment.

*Representative Rubin closed on his motion. A vote was taken, and the amendment to **SB415** was adopted.*

*Representative John Rubin moved to report **SB415, as amended**, favorably for passage, seconded by Representative Becky Hutchins. Following a vote, **SB415, as amended**, was favorably passed.*

SB255 - Amending court docket fees and charges.

Chairperson Barker stated that a proposed **House Substitute for SB255** is being handed out [\(Attachment 15\)](#). This substitute is a fix to the judicial budget reverting everything back to the statute that was in effect prior to the Supreme Court's decision in Solomon, finding a portion of 2014 **Senate Sub. for House Bill 2338** unconstitutional and striking **HB2338** in its entirety due to the operation of the nonseverability clause. This will help the Supreme Court retain the fees that were in the original bill. Without it, they could lose a considerable amount of funding.

Jason Thompson stated that the Committee has been provided with a copy of a memorandum from Jill Wolters, First Assistant Revisor, to the Senate Ways and Means Committee which sets out everything that was in **HB2338**, and the 2015 bill, **HB2005** [\(Attachment 16\)](#) to help the Committee understand what has and has not been included in the proposed **House Substitute for SB255**. Mr. Thompson has also provided the Committee with a memorandum he prepared that highlights the fee- and fund-related

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provisions that need to be addressed in some way ([Attachment 17](#)). A question was asked by Representative Jim Ward.

Representative Jim Ward moved to report **SB255** favorably for passage, seconded by Representative Blaine Finch.

Representative Jim Ward moved amend **SB255** by striking the contents of **SB255** and replacing them with the contents of the proposed **House Substitute for SB255**, seconded by Representative Blaine Finch.

Representative Steve Becker had a question, which was responded to by Chairperson Barker.

Representatives Blaine Finch and Mark Kahrs expressed their support of the amendment.

Representative Ward closed on his motion to amend. A vote was taken, and the amendment was adopted.

Representative Jim Ward moved to report **House Substitute for SB255** favorably for passage, seconded by Representative Blaine Finch. Following a vote, **House Substitute for SB255** was favorably passed.

There being no further business, the meeting was adjourned at 5:20 p.m.