

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on March 22, 2007, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Others attending:

See attached list.

The Chairman called for final action on **HB 2073--Fee increase authority for Sedgwick and Johnson county law libraries.**

The Chairman explained there was a proposal to gut the bill and insert the provisions of **HB 2016--Board of Regents authority to transfer title of real estate to investing agents.** Kathy Damron, on behalf of the University of Kansas, was called upon to review the bill.

Kathy Damron reviewed the bill and stated that it had unanimously passed the House Committee on Education Budget and was placed on the House Consent Calendar. After two of the required three days it was pulled off the Consent Calendar and placed on the General Debate Calendar, immediately before the turnaround deadline. It was not debated before the deadline occurred and therefore was stricken. Ms. Damron indicated this is an important piece of legislation to all of the State universities.

The Chairman indicated that **HB 2073** was just a vehicle at this point.

Senator Allen moved, Senator Lynn seconded, to remove the contents of **HB 2073** and insert the contents of **HB 2016.** Motion carried.

Senator Donovan moved, Senator Goodwin seconded, to recommend **HB 2073**, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 376--Driving under the influence; habitual violator; administrative hearings; motorized bikes; ignition interlock; impoundment.**

Senator Journey explained a balloon amendment proposed by the Kansas Department of Transportation which provides clarifying language approved by the Federal Highway Administration (Attachment 1).

Senator Journey moved, Senator Umbarger seconded, to adopt the proposed balloon amendment. Motion carried.

Senator Journey moved, Senator Umbarger seconded, to recommend **SB 376**, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 379--Contracts; indemnification clauses and additional insured requirements in construction contracts void.**

Chairman Vratil reviewed the bill and distributed a balloon amendment addressing some of the concerns that were expressed by conferees during the hearing (Attachment 2).

Senator Journey moved, Senator Lynn seconded, to amend **SB 379** as reflected in the balloon amendment. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on March 22, 2007, in Room 123-S of the Capitol.

Senator Betts moved, Senator Goodwin seconded, to recommend **SB 379**, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2359--Controlled substances, drug paraphernalia**.

Chairman Vratil reviewed the bill heard on March 14. Senator Vratil suggested a technical change on page 1, line 25, to delete the “,” and insert the word “or” before the word “primarily” and make the same change to page 2, line 14.

Senator Journey moved, Senator Goodwin seconded, to amend **HB 2359** as indicated by Senator Vratil.

Following discussion the motion was amended to change **HB 2359** on page 1, line 24, by deleting the “,” and insert the word “or” before the word “primarily” and inserting the word “or” following the word “intended” and to insert the word “and” on page 1, line 30, following the word “substance”. Motion carried.

Senator Donovan moved, Senator Lynn seconded, to amend **HB 2359**, page 2, line 14 by striking the “,” and inserting the word “or” before the word “primarily”. Motion carried.

Senator Schmidt moved, Senator Goodwin seconded, to amend **HB 2359** by inserting the contents of **SB 14** and **SB 302**. Motion carried.

Senator Journey moved, Senator Haley seconded to amend **HB 2359** on page 4 by striking subsection (f), (lines 27-30). Motion failed.

Senator Schmidt moved, Senator Donovan seconded, to amend **HB 2359** on page 4, line 29, by striking “designed for use or”. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to recommend **HB 2359**, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2062--Criminal use of explosives**.

The Chairman reviewed the bill and distributed a proposed balloon amendment adding the definition of consumer fireworks from the Code of Federal Regulations (Attachment 3).

Senator Donovan moved, Senator Schmidt seconded, to amend **HB 2062** as reflected in the balloon amendment. Motion carried.

Senator Journey moved, Senator Schmidt seconded, to restore the original penalty to a level 6 person felony. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to amend the contents of **SB 97** into **HB 2062**. Motion carried.

Senator Donovan moved, Senator Schmidt seconded, to recommend **HB 2062**, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2363--Civil procedure; repealing statutes dealing with terms of court, an outdated concept; summary judgment motion served at least 10 days before hearing** and reviewed the bill.

Senator Schmidt moved, Senator Donovan seconded, to amend the contents of **SB 74** into **HB 2363**. Motion carried.

Senator Goodwin moved, Senator Donovan seconded, to recommend **HB 2363**, as amended, favorably for passage. Motion carried.

CONTINUATION SHEET

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The Chairman called for final action on **HB 2318--Allowing crime scene cleanup as a compensable expense for victims** and reviewed the bill.

Senator Journey moved, Senator Lynn seconded, to recommend **HB 2318** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2393--Municipal courts; fines, restitution, costs; collection agents; judgments enforceable in district court** and reviewed the bill.

Senator Schmidt distributed a proposed amendment which would make the bill apply only to cities with a population of 50,000 or less (Attachment 4).

Senator Goodwin moved, Senator Schmidt seconded, to adopt the proposed amendment. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to recommend **HB 2393**, as amended, favorably for passage. Motion carried.

The meeting adjourned at 10:30 A.M.