

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:34 a.m. on February 4, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Judge Steven Leben, Kansas Judicial Council Procedure Advisory Committee
Scott Hesse, Legal Counsel, Kansas Board of Healing Arts
Trevor Howard, Court of Tax Appeals
Ray Dalton, Deputy Secretary, SRS
Chuck Simmons, Deputy Secretary, Kansas Department of Corrections

Others attending:

See attached list.

The Chairman called for final action on **SB 85 - Secretary of state; return of filings.**

Senator Vratil moved, Senator Kelly seconded, to amend SB 85 by striking the word “certified” wherever the word appears in the bill. Motion carried.

Senator Vratil moved, Senator Bruce seconded, to recommend SB 85 as amended favorably for passage. Motion carried.

The Chairman called for final action on **SB 86 - Secretary of state; letters of good standing.**

Senator Schodorf moved, Senator Bruce seconded, to recommend SB 86 favorably for passage. Motion carried.

The Chairman called for final action on **SB 132 - Enacting business entity transaction act.**

Senator Vratil moved, Senator Bruce seconded, to amend SB 132 as reflected in the balloon amendment distributed by the Secretary of State’s Office during testimony on February 3. Motion carried.

Senator Kelly moved, Senator Kelly seconded, to recommend SB 132 as amended, favorably for passage. Motion carried.

The Chairman opened the hearing on **SB 87 - Agencies; disclosure of certain records; administrative procedure; judicial review.**

Judge Steven Leben appeared in support and reviewed the bill as recommended by the Kansas Judicial Council by amending the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.. **SB 87** is intended to strengthen the protections for fair and impartial judgements without sacrificing agency expertise or interfering with policy making responsibilities. Judge Leben summarized the major recommendations included in the bill. (Attachment 1)

Scott Hesse testified in opposition stating **SB 87** would allow litigants to bring suit in the courts before an administrative agency makes its final decision. This change of law would place the public at risk for harm from someone without the ability to practice medicine or any of the healing arts. Mr. Hesse stated the bill will increase litigation and the associated costs to state agencies. (Attachment 2)

Trevor Howard provided neutral testimony requesting a modification to exempt the Kansas Court of Tax

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:34 a.m. on February 4, 2009, in Room 545-N of the Capitol.

Appeals from the provision requiring the presiding officer who is not the “agency head” be staffed by the Office of Administrative Hearings. ([Attachment 3](#))

Written testimony in support of **SB 87** was submitted by:

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence ([Attachment 4](#))

Robert Waller, Kansas Board of Emergency Medical Services ([Attachment 5](#))

The Chairman opened the hearing on **SB 95 - Trafficking in contraband in a correctional institution or treatment care facility.**

Ray Dalton spoke in support indicating the bill would add care and treatment facilities, such as the Sexual Predator Treatment Program facilities at Larned State Hospital and Osawatomie State Hospital to the types of facilities that trafficking statutes would apply. ([Attachment 6](#))

Chuck Simmons provided neutral testimony in support of **SB 95** but requested an amendment deleting the language excluding parking lots. Correctional facility parking lots provide the public a high degree of access and surveillance is difficult making them highly conducive to the delivery of contraband. ([Attachment 7](#))

The next meeting is scheduled for February 5, 2009.

The meeting was adjourned at 10:30 a.m.