

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:38 a.m. on March 17, 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

Others attending:

See attached list.

Senator Schodorf moved, Senator Bruce seconded, to approve the Committee minutes of January 26, January 27, and January 28. Motion carried.

The Chairman called for final action on **SB 92 - Child in need of care; jurisdiction on CINC proceedings.**

Staff distributed a balloon amendment reflecting agreement between SRS and interested parties as requested by the Committee during the hearing on March 5. (Attachment 1)

Don Jordan, Secretary, Department of Social and Rehabilitation Services, reviewed the balloon amendment.

Senator Vratil moved, Senator Schodorf seconded, to amend SB 92 as reflected the distributed balloon amendment. Motion carried.

Senator Schodorf moved, Senator Kelly seconded, to provide the revisor latitude to adjust the title, make technical corrections and recommend SB 92 as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 94 - Child in need of care; placement of child in custody.** Jason Thompson, staff revisor, reviewed the bill.

Senator Schodorf moved, Senator Schmidt seconded, to amend SB 94 with the balloon amendment offered by Secretary Jordan during testimony on March 5 and to recommend it favorably as amended for passage. Motion carried.

The Chairman called for final action on **SB 269 - Conduct and offenses giving rise to forfeiture; adding prostitution and related offenses.**

Senator Donovan moved, Senator Lynn seconded, to recommend SB 269 favorably for passage. Motion carried.

The Chairman called for final action on **SB 279 - Mandatory minimum sentence for involuntary manslaughter while driving under the influence of alcohol drugs.**

Senator Vratil moved, Senator Lynn seconded, to table SB 279 and refer it to the DUI Commission if and when the bill passes the legislature and is signed by the Governor. Motion carried. Senator Schodorf voted no and requested her vote recorded.

The Chairman called for final action on **HB 2236 - Recodification of certain drug crimes.**

Senator Vratil moved, Senator Haley seconded to recommend HB 2236 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2164 - Judges and justices, mandatory retirement at 75, may elect to serve till end of current term.** Jason Thompson, staff revisor, reviewed the bill.

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:38 a.m. on March 17, 2009, in Room 545-N of the Capitol.

Senator Vratil moved, Senator Schmidt seconded, to amend **HB 2164** by changing the mandatory retirement age from 75 to 73. Motion carried.

Senator Bruce moved, Senator Umbarger seconded, to conceptually abolish the mandatory retirement age of all judges and justices. Motion carried.

The Chairman notified the Committee that the Committee Report for **SB 277 - Funding the recodification commission from judicial council funds; judicial performance commission not required to evaluate retired senior judges** which was passed favorably in Committee on March 3, was never turned in to the Senate Secretary for scheduling before the full Senate. The Committee then discussed placing **SB 277** into **HB 2164**.

Senator Schmidt moved, Senator Vratil seconded, to amend **HB 2164** by adding the amended versions of **SB 277** and **SB 282**.

Senator Haley requested to consider each bill separately. Senator Schmidt withdrew the motion.

Senator Schmidt then moved, Senator Vratil seconded, to amend **HB 2164** by adding the amended version of **SB 277**. Motion carried. Senator Haley voted no and requested his vote recorded.

Senator Schmidt moved, Senator Vratil seconded, to amend **HB 2164** by adding the contents of **SB 282**. Motion carried.

Senator Schmidt moved, Senator Vratil seconded, to recommend **HB 2164** as amended, favorably for passage. Motion carried.

The next meeting is scheduled for March 18, 2009.

The meeting was adjourned at 10:25 a.m.