

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Vice-Chairman Derek Schmidt at 9:35 a.m. on February 16, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Tim Owens- excused
Senator Jean Schodorf- excused

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:

Capt. Bob Keller, Johnson County Sheriff's Dept.
Midge Grinstead, Lawrence Humane Society
Sandy Barnett, Kansas Coalition Against Domestic and Sexual Violence

Others attending:

See attached list.

The Vice Chairman opened the hearing on **SB 238 - Cockfighting, unlawful acts, asset forfeiture.**

Capt. Bob Keller testified in support indicating thirty-seven states including those contiguous with Kansas have defined cockfighting as a felony. Due to the small risk of a jail sentence and relatively small fines Kansas is in danger of becoming a destination state for cockfighting. Capt. Keller provided the Committee with examples of razors and ice-pick style instruments used to augment the harm inflicted during fights and ultimately cause death of the game cock. (Attachment 1)

Midge Grinstead spoke in favor stating the penalties for cockfighting in Kansas are particularly weak, and as a result there is an increase in the crime. Cockfighting is a lucrative business involving large amounts of cash and offenders go jurisdiction shopping looking for states with the weakest penalties. Ms. Grinstead encouraged the enactment of **SB 238** which would raise the penalty to a felony crime. (Attachment 2)

There being no further conferees, the hearing on **SB 238** was closed.

The Vice Chairman re- opened the hearing on **SB 88 - Children; permanency and priority of orders.**

Sandy Barnett appeared in opposition indicating her concern that **SB 88** will have huge negative consequences for children living in a home where domestic violence is present. (Attachment 3)

Judge Jean Shepherd was called upon to answer additional questions regarding the bill.

Comments and a proposed balloon amendment by Don Jordan, Secretary, Department of Social and Rehabilitation Services was submitted to the Committee. (Attachment 4)

There being no further conferees, the hearing on **SB 88** was closed.

The Vice-Chairman called for final action on **SB 87 - Agencies; disclosure of certain records; administrative procedure; judicial review.** Jason Thompson, staff revisor, reviewed the bill and noted additional comments submitted by Judge Steven Leben regarding questions raised during the hearing on February 4. (Attachment 5)

Senator Vratil distributed a balloon amendment regarding additional language clarifying Section 20 on page 19 to further narrow and elaborate on a summary procedure. This amendment will tighten up the qualifications for summary procedure and list specific categories which must occur to justify summary procedure. (Attachment 6)

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 16, 2009, in Room 545-N of the Capitol.

Senator Vratil moved, Senator Kelly seconded, to amend **SB 87** as reflected the balloon amendment. Motion carried.

Senator Donovan moved, Senator Bruce seconded, to strike the language on page 7, line 24, “when the release” and all of lines 25 and 26. Motion carried.

Senator Bruce moved, Senator Vratil seconded, to amend **SB 87** on page 13, line 41, with new language “requiring confidentiality” to come before “expressly authorizing disclosure.” Motion carried.

Senator Bruce moved, Senator Vratil seconded, to recommend **SB 87** as amended, favorably for passage. Motion carried.

The next meeting is scheduled for February 17, 2009.

The meeting was adjourned at 10:35 a.m.