

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:05 a.m. on Friday, March 12, 2004, in Room 313-S of the Capitol.

All members were present except:

Senator David Haley - Arrived 9:10, left 9:35, returned 9:45
Senator Derek Schmidt - Arrived 9:10
Senator Edward Pugh - Arrived 9:10

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor Statutes
Helen Pedigo, Office of the Revisor Statutes
Dee Woodson, Committee Secretary

Others attending: See attached list.

Chairman Vratil announced that Senator Jay Emler had a special request. Senator Pugh's sub-committee had not had an opportunity to hear **SB 389**. Senator Emler recommended that the revised **SB 389** be amended into a House bill that had been tabled. The revised bill was changed by striking the majority of the bill and retaining Sections 1, 2, and 3. The deleted sections were expunged in accordance with a compromise worked out between the Highway Patrol, Kansas Bureau of Investigation, Lenexa Police Department, Overland Park Police Department, Kansas Law Enforcement Training Commission, Kansas City Police Department and the Sheriff Departments of Sedgwick, Hays, Clark and Finney Counties. Senator Emler explained that there were a few definitions that were changed within the revised bill. (Attachment 1)

Chairman Vratil said that **HB 2133** had been tabled during the last session, and the Committee could pull it off the table and do a gut and go, inserting the first three sections of **SB 389**. Committee discussion followed.

Senator Goodwin moved to take **HB 2133** off the table, seconded by Senator Donovan, and the motion carried.

Senator Pugh made a motion to do a substitute for **HB 2133** by eliminating all of the provisions in that bill and substitute in the enacting clause, the first three sections, Section 7 with adjustments to accurately reflect the repealer, and Section 8 which shows the date that it takes effect of **SB 389**. The motion was seconded by Senator Donovan, and the motion carried.

Senator O'Connor moved to recommend favorably the substitute bill **HB 2133** as amended, seconded by Senator Donovan, and the motion carried.

Final Action on:

SB - 528 - Kansas parole board actions

Chairman Vratil called for discussion and final action on **SB 528**. The Chairman explained that the bill clarified that actions of the Kansas Parole Board must be by a majority vote of the Board.

Senator Haley made a motion to amend this bill by adding at least one member to the Parole Board of a racially minority group in order to make it more equitable. The motion was seconded by Senator Betts. (Attachment 2)

Considerable Committee discussion followed. The Chair called for a vote on the amendment. The motion to amend failed.

Senator Haley made a motion to amend **SB 528** to change the Parole Board back to four members instead of three members, seconded by Senator Betts. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:00 a.m. on Friday, March 12, 2004 in Room 313-S of the Capitol.

Committee discussion followed with input from Marilyn Scafe, Chairperson of the Kansas Parole Board. The Chairman called for a vote on the motion to amend. The motion to amend failed.

Chairman Vratil called for any other amendments to the bill, and there were none.

Senator Goodwin moved to recommend favorably for passage **SB 528**, seconded by Senator O'Connor, and the motion carried.

HB 2057 - Identity theft, defrauding for any benefit, not just economic

Chairman Vratil called for discussion and final action on the bill. The Chair explained the bill, and said there were some amendments offered by the Kansas Bureau of Investigation (KBI). (Attachment 4) He distributed a copy of an email addressed to Representative Long-Mast from John Cowles, Assistant District Attorney in Johnson County, in which he supported the bill, but suggested an amendment on the wording for misdemeanor ID theft. (Attachment 5)

Committee discussion followed with clarification of the intent of suggested amendments.

Senator Schmidt moved to table the bill, seconded by Senator Betts. The motion carried to table **HB 2057**.

HB 2542 - Collection of specimens by KBI when convicted by certain crimes

Chairman Vratil called for discussion and final action on the bill. The Chair explained the bill, and said it only added a statutory reference on page 1, line 42.

Senator O'Connor moved to pass **HB 2542** out favorably with placement on the Consent Calendar, seconded by Senator Oleen, and the motion carried.

HB 2617 - Allowing land surveyors to enter upon property for a land survey, not considered a trespass; if damages, surveyor liable

Chairman Vratil called for discussion and final action on the bill. The Chair explained the bill.

Senator Haley moved to recommend the bill favorably, seconded by Senator O'Connor, and the motion carried. Senator Pugh requested his "no" vote be recorded.

HB 2742 - Child in need of care records, confidentiality

Chairman Vratil called for discussion and final action on the bill. The Chairman recognized Senator Goodwin, who served on the Judicial Council committee which recommended the bill.

Senator Goodwin explained the work of the Judicial Council committee, and some of the concerns she had with the drafting of the bill relating to a legislator having access to an individual's records.

Senator Goodwin made a motion to amend on page 11 under Section (e) that the "legislative access" be stricken from lines 8 through 22, and again strike the language on page 8, lines 1 through 13. Senator Schmidt seconded the motion.

Committee questions and discussion followed.

The Chairman announced that the meeting time had elapsed, and that final action on **HB 2742** would be continued at a later meeting.

The meeting was adjourned at 10:00 a.m. The next scheduled meeting is March 15, 2004.