

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on March 4, 2008, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce- excused  
Donald Betts- excused  
David Haley arrived, 10:01 A.M.  
Phil Journey arrived, 9:40 A.M.  
Derek Schmidt arrived, 9:47 A.M.

Committee staff present:

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

Conferees appearing before the committee:

Ron Nelson, Attorney, Nelson & Booth  
Helen Pedigo, Executive Director, Kansas Sentencing Commission  
Risë Haneberg, Chief Court Service Officer, 10<sup>th</sup> Judicial District  
Randy Hearrell, Kansas Judicial Council

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2621–Child custody and parenting time; service member provisions; military deployment, mobilization or temporary duty.**

Ron Nelson testified in opposition. The bill does not solve the problems created when parents are deployed (Attachment 1). The bill as written is a confusing mass of potentially contradicting provisions. His testimony lists several specific concerns especially amending the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

Linda Elrod spoke in opposition and stressed strongly against amending UCCJEA. Professor Elrod also voiced concern that the bill was “under inclusive” because it does not address non-uniformed personnel that must also be deployed for extended periods of time (Written testimony not provided).

Jeff Bottenberg spoke in support, stating as a member of the Kansas Guard, the number one concern of military facing deployment is “what will happen with my children?” He urged the committee to provide deployed military some assurance that their custodial rights will be protected (Written testimony not provided).

Written testimony in support to **HB 2621** was submitted by:

Colonel Bruce Woolpert, Kansas National Guard (Attachment 2)

Written testimony in opposition to **HB 2621** was submitted by:

Charles F. Harris, Attorney, Kaplan, McMillan & Harris (Attachment 3)

There being no further conferees, the hearing on **HB 2621** was closed.

The hearing on **HB 2700–Community corrections in Johnson County; adult offender program extended to July 1, 2009** was opened.

Helen Pedigo appeared in support, providing background on the Level of Services Inventory-Revised (LSI-R) pilot program (Attachment 4). The program has been successful, and recommendations were made for state-wide implementation. Ms. Pedigo urged enactment of the bill.

Risë Haneberg spoke as a proponent, stating the program has been successful in predicting offenders with

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the highest risk rate and the subsequent placement at higher levels of supervision (Attachment 5). Ms. Haneberg stated correct training of staff is crucial to the success of the program and while the initial process is more time consuming than the previous program used, Johnson County has experienced significant decreases in felony caseloads. She encouraged continuation of the program.

Written testimony in support of **HB 2700** was submitted by:

Mark Gleeson, Office of Judicial Administration (Attachment 6)

Roger Werholtz, Kansas Department of Corrections (Attachment 7)

There being no further conferees, the hearing on **HB 2700** was closed.

The Chairman opened the hearing on **HB 2643—Resolving a conflict between two statutes concerning service of process for garnishment on insurance companies.**

Randy Hearrell testified in support, indicating **HB 2643** will resolve a potential conflict regarding the amount of response time available to an insurance company served with garnishment papers (Attachment 8).

There being no further conferees, the hearing on **HB 2643** was closed.

A copy of the Sub-Committee report on **SB 409** and related bills was distributed to the committee.

The meeting adjourned at 10:26 A.M. The next scheduled meeting is March 5, 2008.