

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:35 a.m. on January 29, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Pugh (E)

Committee staff present: Mike Heim, Kansas Legislative Research Department  
Lisa Montgomery, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:  
Carol Green, Clerk of the Appellate Courts

Others attending: see attached list

Chairman Vratil called for bill introductions. Senator Schmidt requested the introduction of two bills. The first bill would create a presumption of minimum security classification for first time, non-violent drug offenders. The second bill would create presumption of incarceration in a minimum security facility for persons convicted of burglary three or more times. Senator Schmidt moved to introduce the bills, seconded by Senator Umbarger, and the motion carried.

The Chair announced that there would not be a hearing today on **SB 25** since the main sponsor of the bill could not be in attendance. He said the hearing would be rescheduled for Wednesday, February 5.

**SB 21 - nomination and selection of justices and judge**

Chairman Vratil opened the hearing on **SB 21**. Conferee Green testified in support of **SB 21** wherein the Kansas Supreme Court proposes several revisions to the statutes which govern the Supreme Court Nominating Commission and the seventeen District Judicial Nominating Commissions. She reviewed the substantive changes proposed by the Court, but did not address the clean-up provisions included at the direction of the Revisor of Statutes. (Attachment 1)

Following brief discussion, the Chair closed the hearing on **SB 21**.

**Final action on:**

**SB 9 - bill by Joint Comm. on State-Tribal Relations Native American tribal law enforcement officers; jurisdiction**

**SB 17 - appointment of clerks and nonjudicial personnel by the chief judge of each judicial district**

**SB 19 - mandatory retirement age of 75 for judges and justices**

Chairman Vratil offered a proposed amendment to **SB 9**, on page 1, section 3, line 36, insert the words "and coterminous with" after "immediately adjacent to". He explained that the amendment would clarify that it does not mean the entire length of the highway, but only that portion of the street or highway immediately adjacent to the boundary of the reservation. He stated that it was the intent of the Joint Committee on State Tribal Relations to clarify that the Tribal law enforcement officers have jurisdiction only on that portion of a street or highway that borders the reservation. (Attachment 2)

Senator Oleen moved to amend the bill as proposed and pass it out favorably, seconded by Senator Haley, and the motion carried.

Following the Chair's review of **SB 17**, he called for discussion and final action on the bill. Senator Goodwin expressed that this bill was very important to her district because of only having three judges, and she strongly supported it. Senator Goodwin moved to pass the bill out favorably, seconded by Senator Umbarger, motions carried.

Following the Chair's review of **SB 19**. Senator Goodwin inquired how the program worked in which retired judges were used to fill temporary vacancies. Ami Hyten, Office of Judicial Administration, explained that the common term was "Rocket Docket" in which the retired judges are called to work vacancies on a contract basis. She explained that they do use a senior judge program, and it is not just

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on January 29, 2003 in Room 123-S of the Capitol.

used on an appellate level but throughout the state. Chairman Vratil clarified that this bill does not require judges to continue serving until age 75, and they can still retire at age 70 if they want to.

Senator Donovan moved to pass the **SB 19** out favorably, and seconded by Senator Umbarger. Motion carried.

Chairman Vratil called the Committee's attention to the Attorney General's 2002 Annual Report on No-Call that was distributed at a previous meeting. He asked the Committee members to consider the changes recommended at page 3 of the Attorney General's report, and see if Senate Judiciary would want to draft a bill to include any of those changes. (Attachment 3) Senator Schmidt stated that the changes all appeared to be minor administrative changes. Senator Schmidt made a motion that this committee introduce a bill reflecting the recommended changes in the Attorney General's No-Call Report. The motion was seconded by Senator Umbarger, and the motion carried.

Senator Oleen commented that it might be a good idea to have a liaison between the Judiciary Committees, of which there are three now in the Legislature, and the Attorney General's Office to open communication lines both ways. The Chair stated he would create the opportunity to visit with the Attorney General Office on this subject.

Chairman Vratil directed the Committee's attention to a recently received fiscal note on **SB 16** that appears on today's General Orders. (Attachment 4) Senator Allen commented that what was not reflected in the fiscal note was that the Department of Revenue was going to use the revenue from the photo fee for the verification process, and that this should be clarified. The Chair suggested that she bring that to the Senate's attention when it appears on General Orders.

The minutes of the January 23 meeting were approved on a motion by Senator O'Connor, seconded by Senator Donovan, and the motion carried.

The meeting was adjourned at 10:25 a.m. The next scheduled meeting is January 30, 2003.