

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:39 a.m. on March 7, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Haley (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Lela Smith, Clerk of Court, Brown County, Kansas Association of District Court Clerks and Administrators (KADCCA)
Kathy Porter, Office of Judicial Administration (OJA)
Judge Paul Buchanan, 18th Judicial District, Sedgwick
Lisa Wilson, Clerk of Court, Jackson County

Others attending: see attached list

Minutes of the March 6th meeting were amended by striking the word "bill" and inserting the words "floor amendment" at paragraph 1 line 4, and were approved as amended on a motion by Senator Schmidt, seconded by Senator Gilstrap. Carried.

Written testimony from Sandy Barnett who presented oral testimony on **SB 235** at yesterday's meeting, was distributed. (attachment 1)

HB 2173—concerning expungement

Conferee Smith testified in support of **HB 2173**, a bill which relates to expungement of arrest records. She stated that petitions for expungement are filed as civil cases making them public record until the order for expungement is filed. She explained that this bill would close these case records allowing them to be disclosed only to certain parties. She also discussed amendments to two other statutes relating to expungement which would assure consistency within the law. (attachment 2) Discussion followed.

Conferee Porter testified in support of **HB 2173**. She discussed the purpose of her request to delete Section one of the bill, making the bill's provisions applicable to only the district courts as originally intended. (attachment 3)

Conferee Kleeson testified in opposition to **HB 2173**. He discussed the bill's potential impact on municipalities in terms of "increased costs, mandates, liabilities, etc." and urged rejection of the bill or at least amending it to protect municipalities. Lengthy discussion followed. (attachment 4)

HB 2174—concerning district courts; re: clerks

Conferee Buchanan testified in support of **HB 2174**, a bill which changes the method of appointing district court chief clerks. He discussed the inefficiency of current law regulating the method of appointment of clerks and briefly discussed provisions in this bill which seek to remedy this. (attachment 5)

Conferee Porter testified in support of **HB 2174**. She reviewed the purpose of the bill and reiterated much of the previous conferee's testimony. (no attachment)

HB 2175—concerning civil procedure; re: judgment liens

Conferee Wilson testified in support of **HB 2175** reviewing the bill which she stated proposes a clarification of procedures in Chapter 60 for elevating the status of a limited actions judgment to a lien against real estate.

(attachment 6) Discussion followed.

HB 2082—concerning nonprobate transfer on death; re: nontestamentary nature

Following a brief review of **HB 2082** by the Chair, Senator Pugh made a motion that the bill be passed out favorably and placed on the consent calendar, Senator Donovan seconded. Carried.

SB 159—concerning the code of civil procedure for limited actions

SB 236—concerning the code of civil procedure; re: garnishment

Staff distributed copies of balloon amendments to **SB 159** and **SB 236** which would remove the forms from the statute book. Also distributed was Supreme Court Administrative Order No.159 requiring the Supreme Court by rule or order to approve forms. Senator Oleen moved to amend **SB 159** by adopting the balloon, Senator Schmidt seconded. Carried. Senator Goodwin moved to pass **SB 159** out favorably as amended, Senator Oleen seconded. Carried. Senator Oleen moved to amend **SB 236** by adopting the balloon, Senator Donovan seconded. During discussion Senator Pugh expressed concern regarding the lack of compensation paid to employers who must do garnishments. It was the consensus of the Committee that Senator Pugh write an amendment which would provide said employers \$15 per garnishment, the payment of which would be part of the judgment. In light of this the previous motion and second were withdrawn.

The meeting adjourned at 10:32. The next meeting is March 8, 2001.