

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 5, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Kathy Olsen, Kansas Bankers Association
Matthew Goddard, Heartland Community Bankers Association
Jerel Wright, Kansas Credit Union Association
Dr. Tony Fabelo, Corrections Public Policy Consultant, Council of State Government
Dr. Fred Osher, Director of Health Services, Council of State Government

The hearing on **HB 2283 - perfection of security interests on certificates of title**, was opened.

Kathy Olsen, Kansas Bankers Association, appeared as the sponsor of the proposed bill. The perfection of security interests is governed by Article 9 of the Uniform Commercial Code. The method for a lender to perfect its security interest in vehicles and manufactured homes is to get the lien recorded on the certificate-of-title representing the vehicle or manufactured home. The problem arose the Division of Motor Vehicles did not note the lien on three titles. The Bankruptcy Trustee challenged the lender's perfection of the security of interest because the lien was not noted on the title. Judge Nugent stated that had the language of the earlier version of Article 9 not been changed, it might have protected the lender. The proposed bill would simply re-instate the language. (Attachment 1)

Matthew Goddard, Heartland Community Bankers Association, appeared as a proponent of the bill. He stated that this change would protect the status of auto and manufactured home lenders as secured creditors without diminishing the rights of any other secured party. (Attachment 2)

Written testimony in support of the bill was provided by Kansas Manufactured Housing. (Attachment 3)

The hearing on **HB 2283** was closed.

The committee received a power point presentation from the Justice Center. (For copies of the power point, contact The Council of State Governments.)

Dr. Tony Fabelo, Corrections Public Policy Consultant, Council of State Government, relayed that Kansas' prison population is projected to increase 26 percent over the next 10 years. Which will make a bed shortfall of 1,834 beds. It was estimated to costs \$500 million to build the new beds and cover operating expenses.

Proposed options to keep from building prison beds:

- ◆ Maintain lower parole failure rates from the current 135 per month to 90
 - a. Expanding the capacity of community based treatment and sanctions
 - b. Focus increased resources toward counties with high revocation rates
- ◆ Strengthen community corrections by reducing the number of probation/community corrections violators by 20 percent
 - a. Provide incentive grant funding to community corrections to expand treatment and sanctioning capacity
 - b. Require community corrections programs and judges to develop consistent supervision and sanctioning strategies
- ◆ Reduce risk before release by creating a risk reduction program credit for guideline offenders who successfully complete treatment, educational, and vocational programs before release
 - a. Use risk/needs assessments to determine which offenders should be required

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- to complete programs prior to release
- b. Expand substance abuse, vocational, and educational programming in prison using savings generated from the program credit

Dr. Fred Osher, Director of Health Services, Council of State Government, touched on drug addiction and mental illnesses relating to criminal activity. To ensure effective treatment each inmate needs to be screened correctly and have objectives and a comprehensive assessment as to what type of treatment they need to receive.

Oklahoma, Nevada, Texas and Connecticut have joined other states in developing cost-effective solutions to solving the prison overcrowding issue.

HB 2233 - authorizing sale of prison-made goods to state employees

Representative Watkins made the motion to report HB 2233 favorably for passage, and because of its non controversial nature be placed on the consent calendar. Representative Owens seconded the motion. The motion carried.

HB 2232 - eliminating department of corrections reimbursement for jury fees

Representative Watkins made the motion to report HB 2232 favorably for passage, and because of its non controversial nature be placed on the consent calendar. Representative Owens seconded the motion. The motion carried.

HB 2230 - program agreements between the secretary of corrections and inmates

Representative Watkins made the motion to report HB 2230 favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2190 - granting the secretary of corrections the discretion to dismiss conditional release violations

Representative Watkins made the motion to report HB 2190 favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2193 - person committing new felony while on pretrial release for felony in another jurisdiction to be treated the same as a person on release for a felony in Kansas

Representative Watkins made the motion to report HB 2193 favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2087 - kansas sentencing commission assumes the functions of the state statistical analysis center

Representative Watkins made the motion to adopt the proposed amendment by the Criminal Justice Coordinating Council, by striking "in a form and manner established by the commission,". Representative Pauls seconded the motion. The motion carried.

Representative Watkins made the motion to report HB 2087 favorably for passage, as amended. Representative Pauls seconded the motion. The motion carried.

HB 2074 - fingerprints and photos of juveniles in custody

Representative Watkins made the motion to adopt proposed Kansas Bureau of Investigation amendments by striking on page 2, line 3 "may" and replacing with "shall" and adding a (5) that photographs may be taken of any juvenile placed in a juvenile detention facility. Photographs taken under this section shall be used solely by the juvenile detention facility for the purpose of identification, security and protections and shall not be disseminated to any other person or agency except after an escape and necessary to assist in apprehension. Representative Owens seconded the motion. The motion carried.

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Representative Watkins made the motion to report **HB 2074** favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

HB 2059 - upon adoption, the right to inherit from birth parents cease

Representative Watkins made the motion to report **HB 2059** favorably for passage. Representative Owens seconded the motion.

The committee expressed concern that a child, who had no say in their adoption process, would not be able to adopt from a biological parent. There was also concern with the adopted parent terminating parental rights and whether or not the child could inherit from that adopted parent.

Representative Kinzer made the substitute motion to amend the bill to allow “upon adoption the rights of the adopted person and persons there at law, to inherit, from birth or prior adopted parents other than the birth or adopted parent who is the spouse of the adopted parent shall cease.” Representative Owens seconded the motion. The motion carried.

Representative Watkins made the motion to report **HB 2059** favorably for passage, as amended.. Representative Roth seconded the motion. The motion failed.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for February 6, 2007.