

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on February 6, 2007, in Room 123-S of the Capitol.

All members were present except:

David Haley arrived, 9:42 A.M.
Derek Schmidt arrived, 9:45 A.M.

Committee staff present:

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

Conferees appearing before the committee:

Mark Tallman, Assistant Executive Director, Kansas Association of School Boards
Mark Desetti, Director, Legislative & Political Advocacy, Kansas National Education Association
Kevin Tubbesing, Stag Commercial
Bob Reader, Kansas Bar Association
Margaret Farley, Kansas Trial Lawyers Association
Bill McKean
Marlee Carpenter, Vice President of Governmental Affairs, The Kansas Chamber

Others attending:

See attached list.

Bill Introductions

Senator Nick Jordan requested the introduction of a bill which would amend statutes relating to house arrest. Senator Umbarger moved, Senator Donovan seconded, to introduce the bill. Motion carried.

Linden Appel, Chief Legal Counsel, Kansas Department of Corrections, requested the introduction of a bill relating to the admission of offenders during a pandemic. Senator Bruce moved, Senator Goodwin seconded, to introduce the bill as a committee bill. Motion carried.

The Chairman communicated the desire of Brad Smoot to rescind the bill introduced last week by the committee concerning anti-trust action. Senator Bruce moved, Senator Allen seconded, to rescind the committee's action introducing the bill. Motion carried.

The hearing on **SCR 1601–School finance; amount of funding and distribution thereof determined by the legislature** was opened.

Senator Phil Journey testified in support, providing background on development of the resolution. Senator Journey indicated the intent of **SCR 1601** is to clarify the original intent of Article 6, Section 6 of the Kansas Constitution (Attachment 1).

Mark Tallman appeared in opposition, stating public education is too important leave the allocation of funds solely to the Legislature. Mr. Tallman feels that **SCR 1601** would weaken the rights provided in Article 6 of the Kansas Constitution (Attachment 2).

Mark Desetti spoke in opposition. The Kansas National Education Association believes **SCR 1601** will endanger the needs of Kansas schools for future generations (Attachment 3).

There being no further conferees, the hearing on **SCR 1601** was closed.

The hearing on **SB 139–Civil actions; prevailing party recovers reasonable attorney fees; exceptions** was opened.

Kevin Tubbesing appeared as a proponent, distributing a balloon amendment (Attachment 4) which would

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provide clarification and definition of the scope of **SB 139**. Mr. Tubbesing stated his belief that the bill will improve the conduct of business in Kansas by discouraging frivolous and nuisance lawsuits (Attachment 5).

Bob Reader spoke as an opponent, claiming **SB 139** would create a mandatory system without regard to equality and justice. Enactment of this bill would penalize the poor, who do not have the resources to fight legal battles or cover costs should they lose (Attachment 6).

Margaret Farley testified in opposition, indicating the Kansas Trial Lawyers Association believes that the current system in Kansas makes sense. **SB 139** would favor those with financial resources and be a substantial barrier to the Court system for many Kansans (Attachment 7).

Written testimony in support of **SB 139** was submitted by:

Marlee Carpenter, Vice President of Government Affairs, The Kansas Chamber (Attachment 8).

Written testimony in opposition of **SB 139** was submitted by:

Bill McKean (Attachment 9)

There being no further conferees, the hearing on **SB 139** was closed.

The meeting adjourned at 10:31 A.M. The next scheduled meeting is February 7, 2007.