

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:45 a.m. on February 18, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Others attending:

See attached list.

The Chairman called for final action on **SB 69 - Crime stoppers advisory council; Kansas crime stopper trust fund.** Jason Thompson, staff revisor, reviewed the bill.

Senator Donovan moved, Senator Vratil seconded, to recommend SB 69 favorably for passage. Motion carried.

The Chairman called for final action on **SB 211 - Providing journalists with privilege concerning the disclosure of certain information.** Senator Mary Pilcher-Cook indicated she will recuse herself from voting on this bill. Senator Owens indicated his desire for a up down vote and would prefer not to vote unless absolutely necessary. Senator Schmidt requested that in order to have an odd number of voting members the action be delayed pending Senator Haley's arrival. Request granted.

The Chairman called for final action on **SB 237 - Scrap metal, regulations concerning selling and buying.** Jason Thompson, staff revisor, reviewed the bill and distributed a balloon amendment on behalf of Senator Bruce regarding purchase from minors. (Attachment 1)

Senator Bruce moved, Senator Lynn seconded, to amend SB 237 as reflected in the balloon. Motion carried.

A balloon amendment reflecting suggested changes by Ed Klumpp during the hearing on Feb 11 was distributed. Senator Vratil moved, Senator Bruce seconded, to amend SB 237 as reflected in the balloon. Motion carried. (Attachment 2)

Senator Donovan moved, Senator Kelly seconded, to recommend SB 237 as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 238 - Cockfighting, unlawful acts, asset forfeiture.** Jason Thompson, staff revisor, reviewed the bill and distributed a balloon amendment. (Attachment 3)

Senator Lynn moved, Senator Schodorf seconded, to amend SB 238 as reflected in the balloon amendment. Motion carried.

Senator Schmidt indicted there appears to be several inconsistencies between the cockfighting, dog fighting and animal cruelty statutes. He suggested requesting the Judicial Council to conduct a review to bring them into alignment with the general instructions that if there is a conflict the intent is towards the more severe penalty. Senator Vratil suggested the Criminal Recodification Commission would be better suited to conduct the review. The Chairman agreed to make the request.

Senator Bruce moved, Senator Lynn seconded, to amend SB 238 by defining attendance of a cockfight with the penalty a class B non-person misdemeanor and to allow the revisor latitude in the drafting of the language. Motion carried.

The Chairman returned to final action on **SB 211 - Providing journalists with privilege concerning the**

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:45 a.m. on February 18, 2009, in Room 545-N of the Capitol.

**disclosure of certain information.** Senator Schmidt reviewed the bill. Senator Vratil provided the committee with his concerns regarding the bill.

Senator Vratil moved, Senator Bruce seconded, to refer **SB 211** the Judicial Council.

Senator Schmidt made a substitute motion, Senator Kelly seconded, to recommend **SB 211** favorably for passage. Motion failed.

The Chairman indicated the committee was back to the original motion refer the bill to the Judicial Council. Motion carried.

The next meeting is scheduled for February 24, 2009.

The meeting was adjourned at 10:31 a.m.