

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Vice Chairman Terry Bruce at 9:34 A.M. on January 30, 2007, in Room 123-S of the Capitol.

All members were present except:

John Vratil arrived, 10:35 A.M.
Barbara Allen arrived, 10:35 A.M.
Dwayne Umbarger arrived, 10:37 A.M.
Derek Schmidt arrived, 10:40 A.M.
David Haley arrived, 10:42 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:

Randy Hearrell, Kansas Judicial Council
Jim Clark, Kansas Bar Association
Pat Scalia, Executive Director, State Board of Indigents' Defense Services
Bill McKean

Others attending:

See attached list.

The hearing on **SB 74--Recovery of medical assistance, probate code** was opened.

Randy Hearrell testified in support, providing background on development of the bill (Attachment 1). Following testimony, Senator Vratil referred to the new language beginning on page 5, line 3, suggesting deletion of the phrase "and the notice required by subsection (d) shall not be given" since there is no need to notify the State twice on a Medicaid claim. Mr. Hearrell agreed and had no objection to the change. The Chairman also suggested rewriting the new language beginning on page 4, line 42, through page 5, line 3, to a more understandable form.

Jim Clark appeared in opposition, indicating the Kansas Bar Association's concern that **SB 74** will impose a burden of time and expense on all estates (Attachment 2).

There being no further conferees, the hearing on **SB 74** was closed.

The hearing on **SB 75--Compensation for attorneys representing indigent defendants** was opened.

Pat Scalia spoke in support, stating that legislation passed last year directed the executive director of the board on indigents' defense services to open public defender offices in locations where it is cost effective. Ms. Scalia indicated that, in all pertinent districts, both the bench and local attorneys preferred to retain the assigned counsel system and offered to accept a lower hourly rate to remain cost effective. Enactment of this bill will continue to save state general funds as contracts are made with additional counties (Attachment 3).

There being no further conferees, the hearing on **SB 75** was closed.

The hearing on **SB 76--Probate, small estates, transfer of personal property** was opened.

Randy Hearrell testified in favor, stating that it came to the attention of the Judicial Council that motor vehicles titles are not included in the categories of personal property listed that may be transferred by affidavit in small estates. Passage of this bill will ensure that all personal property is included (Attachment 4).

Written testimony in support of **SB 76** was submitted by:

Jim Clark, Kansas Bar Association (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on January 30, 2007, in Room 123-S of the Capitol.

There being no further conferees, the hearing on **SB 76** was closed.

The hearing on **SB 85--Authorizing employment of retired justices and judges with the Kansas Judicial Council to assist the Commission on Judicial Performance** was opened.

Randy Hearrell appeared in support, indicating **SB 85** will allow the Kansas Commission on Judicial Performance to hire retired judges on the same basis as the Judicial Branch under K.S.A. 20-2622 (Attachment 6).

Bill McKean spoke in opposition, stating that he may have misunderstood the intent of **SB 85**. He was not aware that it was strictly to assist the Judicial Council Administration (Attachment 7).

There being no further conferees, the hearing on **SB 85** was closed.

Final action continued on **SB 37--Concerning the crime of smoking in indoor areas.**

Senator Donovan distributed a proposed amendment that would allow an annual benefit cigar dinner for local charities (Attachment 8). Following discussion, Senator Donovan moved, Senator Bruce seconded, to adopt the proposed amendment reworded to read: "an annual benefit cigar dinner for charitable purposes." Motion carried.

Senator Goodwin distributed a proposed amendment to exempt commercial vehicles (Attachment 9). Senator Goodwin moved, Senator Betts seconded, to adopt the proposed amendment and authorize the revisor's liberty to restate the amendment in appropriate statutory language. Motion carried.

A proposed amendment by Senator Wysong was distributed indicating the addition of subsections 11 & 12 to his previous balloon amendment. The additions would include exemptions for trains (Attachment 10). Senator Schmidt moved, Senator Umbarger seconded, to amend the bill to exempt designated smoking areas in passenger trains and freight trains. Motion carried.

Senator Schmidt distributed an amendment consistent with all of the changes made to date but would allow counties to "opt out" of the state wide smoking ban in public places. It also includes provisions to create a protest petition mechanism for any county that did opt out to allow local citizens to put the question on the ballot (Attachment 11).

Following discussion, several questions arose regarding the bill. The Chairman announced final action will continue at a later date to give the staff time to research answers to questions.

Final action on **SB 51--Vital statistics, list of deceased residents, district court clerks.**

The Chairman provided a review of the bill. Senator Haley moved, Senator Goodwin seconded, to recommend **SB 51** favorably for passage. Motion carried.

Senator Umbarger suggested the committee proceed with final action on **SB 75**. The Chairman indicated since there did not appear to be any opposition to the bill, he would make an exception provided the committee agreed.

Final action on **SB 75--Compensation for attorneys representing indigent defendants.**

Senator Umbarger moved, Senator Donovan seconded, to recommend **SB 75** favorably for passage. Motion carried.

The meeting adjourned at 10:28 A.M. The next scheduled meeting is January 31, 2007.