

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on January 30, 2008, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen, excused  
David Haley arrived, 9:42 A.M.  
Terry Bruce arrived, 9:44 A.M.

Committee staff present:

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

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council  
Hon. Tim Henderson, District Judge, 18<sup>th</sup> Judicial District

Others attending:

See attached list.

The Chairman opened the hearing on **SB 432–Uniform transfer on death security registration act; security accounts.**

Randy Hearrell appeared in favor, stating that the Judicial Council studied a possible problem with the Uniform Transfer on Death Security Registration Act at the request of Michael K. Sears, Great Plains Trust Company, Overland Park, Kansas (Attachment 1). Mr. Sears expressed concern with the definition of “security” in the Uniform Transfer on Death Security Registration Act. As a result, the Judicial Council proposed **SB 432** and supports its passage.

There being no further conferees, the hearing on **SB 432** was closed.

The hearing on **SB 433–Uniform prudent management of institutional funds act** was opened.

Randy Hearrell spoke as a proponent, stating that **SB 433** will update the Uniform Management of Institutional Funds Act (UMIFA) which was enacted in 1972 (Attachment 2). Mr. Hearrell indicated the bill was reviewed by the Uniform Law Commission and the Commission recommend the bill.

There being no further conferees, the hearing on **SB 433** was closed.

The Chairman opened the hearing on **SB 435–Amendments to revised Kansas juvenile justice code and revised Kansas code for care of children.**

Judge Tim Henderson testified in support, and provided background on the Revised Kansas Code for Care of Children which became effective on January 1, 2007 (Attachment 3). **SB 435** represents proposed amendments by the Judicial Council Juvenile Offender/Child in Need of Care Advisory Committee. Judge Henderson reviewed the substantive changes in the bill.

There being no further conferees, the hearing on **SB 435** was closed.

The Chairman called for final action on **SB 413–Collection of certain specimens, probable cause determination.** Senator Vratil reviewed the bill and the proposed amendments by Ed Klumpp during the hearing on January 22.

**Following discussion, Senator Bruce moved, Senator Lynn seconded, to table SB 413. Motion carried.**

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on January 30, 2008, in Room 123-S of the Capitol.

Chairman Vratil called for final action on **SB 418– Kansas sentencing commission; duty to annually produce official juvenile correctional facility population projections SB 419–Criminal procedure; form and consent of journal entry**. Senator Vratil reviewed the bill. During discussion, it was clarified that the \$50,000 cost would be moved from the Juvenile Justice Authority to the Kansas Sentencing Commission during the budget process.

Senator Schmidt suggested that a formal request be made to the Kansas Sentencing Commission inquiring if bed space information at the county level is available and if the information is available, ask the Commission to provide bed space impact data for county jails. If the information is not available, what challenges does the request place before the Sentencing Commission?

The Chairman indicated a proposed balloon amendment by the Kansas Sentencing Commission was provided during the hearing on January 24 (Attachment 4). Senator Goodwin moved, Senator Donovan seconded, to amend SB 418 as reflected in the balloon amendment proposed by the Kansas Sentencing Commission. Motion carried.

Senator Bruce moved, Senator Goodwin seconded, to recommend SB 418, as amended, favorably for passage. Motion carried.

Chairman Vratil called for final action on **SB 419–Criminal procedure; form and consent of journal entry**. The Chairman reviewed the bill.

Senator Donovan moved, Senator Goodwin seconded, to recommend SB 418 favorably for passage. Motion carried.

The meeting adjourned at 10:19 A.M. The next scheduled meeting is January 31, 2008.