

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:33 A.M. on March 6, 2006, in Room 123-S of the Capitol.

All members were present except:

David Haley- excused
Derek Schmidt arrived, 9:39 a.m.
Barbara Allen arrived, 9:40 a.m.
Phil Journey arrived, 9:44 a.m.
Donald Betts arrived, 9:55 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Rick A. Fleming, General Counsel, Office of Securities Commissioner

Others attending:

See attached list.

The hearing on **HB 2663--Kansas uniform securities act; regulations** was opened.

Rick Fleming appeared in support providing background on the bill which is intended to repair flaws discovered during implementation (Attachment 1). Mr. Fleming explained the need for a “good character” clause and requested proposed amendments on page 16, lines 24-27 and page 20, lines 36-37 to restore the Commissioners’s ability to deny a license when a person lacks sufficient character or reputation to warrant the public trust. He indicated similar authority is given to numerous other licensing agencies in the State of Kansas.

There being no further conferees, the hearing on **HB 2663** was closed.

The Chairman called for final action on **HB 2104--UCC securities interest in oil and gas production**. The Chairman reviewed the bill heard on February 28, including a proposed amendment by KIOGA (Kansas Independent Oil and Gas Association).

Senator Schmidt moved, Senator Goodwin seconded, to adopt the amendment proposed by KIOGA. Motion carried.

Senator Donovan moved, Senator Schmidt seconded, to recommend **HB 2104** as amended favorably for passage. Motion carried.

The Chairman called for final action on **HB 2562--Adoption; waiver of home study upon request of a relative of the child**. The Chairman reviewed the bill heard on February 28.

Senator Goodwin moved, Senator Bruce seconded, to recommend **HB 2562** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2606--Theft of services**. The Chairman reviewed the bill heard on February 28.

Senator Schmidt moved, Senator Goodwin seconded, to recommend **HB 2606** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2610--Civil procedure; service outside the state; submitting to jurisdiction**. The Chairman reviewed the bill heard on March 1.

CONTINUATION SHEET

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Senator Schmidt moved, Senator Donovan seconded, to amend page 3, lines 17-20 to add K.S.A. 50-631. Motion carried.

Senator Bruce moved, Senator Goodwin seconded, to recommend **HB 2610** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2616--State may request a preliminary examination on a felony charge**. The Chairman reviewed the bill heard on March 1.

Following discussion, Senator Bruce moved, Senator Journey seconded, to change page 1, line 42 to read "if the defendant and state waive preliminary examination" Motion carried.

Senator Journey moved, Senator O'Connor seconded, to table the bill. Motion failed.

Senator Bruce moved, Senator Goodwin seconded, to recommend **HB 2616** as amended favorably for passage. Motion carried.

The Chairman called for final action on **HB 2617--Violation of a protective order includes an order issued in a criminal case ordering the defendant to refrain from having contact with another person**. The Chairman reviewed the bill heard on March 1.

Following discussion, Senator Journey moved to amend on page 1, line 40, to read, "violation of a protective order is a class A, non-person misdemeanor". No second to the motion.

Senator Goodwin moved, Senator Bruce seconded, to recommend **HB 2617** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2665--In adoption proceedings, in termination of parental rights, court shall consider the best interest of the child**. The Chairman reviewed the bill heard on March 2 and indicated that Senator Journey, as the primary sponsor of **SB 400**, preferred for the committee to pass over that bill and support **HB 2665**.

Senator Donovan moved, Senator O'Connor seconded, to recommend **HB 2665** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2626--Missing persons and unidentified persons and human remains, reporting and investigation of**. The Chairman reviewed the bill heard on March 2.

Senator Goodwin moved, Senator Umbarger seconded, to recommend **HB 2626** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2704--Number of small claims procedures filings per year**. The Chairman reviewed the bill heard on March 2.

Senator O'Connor moved, Senator Goodwin seconded, to recommend **HB 2704** favorably for passage. Motion carried.

The Chairman called for final action on **HB 2607--Amendments to the Kansas uniform trust code**. The Chairman reviewed the bill heard on March 2.

Senator Donovan moved, Senator Allen seconded, to recommend **HB 2607** favorably for passage. Motion carried.

Senator Donovan moved, Senator Goodwin seconded, to adopt the Committee Minutes dated January 12, January 17, and January 18, 2006. Motion carried.

The meeting adjourned at 10:31 a.m. The next scheduled meeting is March 7, 2006.