

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on March 7, 2007, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce arrived, 9:45 A.M.
Derek Schmidt arrived, 9:41 A.M.
David Haley arrived, 9:36 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:

Nancy Strouse, Staff Attorney, Kansas Judicial Council
Kyle Smith, Deputy Director, Kansas Bureau of Investigation
Robert Stuart, Acting Chief Division Counsel, Federal Bureau of Investigation
Ed Klumpp, Kansas Association of Chiefs of Police
Dale Goter, City of Wichita
Sandy Jacquot, General Counsel, League of Kansas Municipalities
Chief Judge Michael Corrigan, 18th Judicial District
Judge Charles Andrews, 3rd Judicial District

Others attending:

See attached list.

The hearing on **HB 2363--Civil procedure; repealing statutes dealing with terms of court, an outdated concept; summary judgment motion served at least 10 days before hearing** was opened.

Nancy Strouse testified in support, indicating **HB 2363** contains the proposed statutory changes corresponding to amendments to the Supreme Court Rules Relating to District Courts recommended by the Judicial Council District Court Rules Advisory Committee (Attachment 1). Ms. Strouse reviewed the changes reflected the bill.

There being no further conferees, the hearing on **HB 2363** was closed.

The Chairman opened the hearing on **HB 2360--Arrest powers of federal law enforcement officers; removing the sunset**.

Kyle Smith spoke in favor, stating legislation passed three years ago recognizes Federal Bureau of Investigation (FBI) agents as law enforcement officers in Kansas (Attachment 2). Mr. Smith informed the committee that cooperation between state and local law enforcement officers with the FBI is excellent and no problems have arisen with the legislation. This bill would remove the sunset clause and make the law permanent.

Robert Stuart appeared in support, indicating the Kansas City Field Office works closely with state and local partners on a variety of matters. The existing law provides limited peace officer authority and civil liability protection to federal agents and serves to facilitate cooperative relationships. Removal of the sunset provision will ensure continued cooperation on matters of mutual interest (Attachment 3).

Ed Klumpp spoke in support, stating the arrest powers are critical to the efficiency of operations especially in joint task forces. Kansas law enforcement approves of the continued benefits of granting the stated powers to federal officers (Attachment 4).

There being no further conferees, the hearing on **HB 2360** was closed.

The hearing on **HB 2393--Municipal courts; fines, restitution costs; collection agents; judgments**

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enforceable in district court was opened.

Dale Goter spoke as a proponent, relating that the bill would allow courts that attempt to collect delinquent fines, restitution and court costs to also recover the cost of collection. As now presented, this bill will provide a vehicle for victims who are owed restitution, to be made whole, without spending their own money for legal fees. Often the monies owed are from repeat offenders, who have come to understand there is no cost associated with non-compliance. This legislation could expand or induce municipalities to undertake recovery efforts (Attachment 5).

Sandy Jacquot testified in support, indicating that collection of delinquent fines and court costs is an ongoing concern. Contracting with a collection agency is often the most efficient means of collection fines and court costs, but the end result is that the city bears the cost of collection. This bill would shift the burden of collection to the defendant (Attachment 6).

Judge Michael Corrigan spoke as an opponent, stating the District Courts have no objection to the bill as amended by the House Judiciary Committee (Attachment 7). The amended version deleted the authority for Municipal Courts to transfer potentially thousands of Municipal Court unpaid court costs, fees, and fines to the District Courts for collection purposes.

Judge Charles E. Andrews appeared as an opponent, indicating agreement with the need for Municipal Court to have a system to collect its fines, and supports the bill as currently amended (Attachment 8).

There being no further conferees, the hearing on **HB 2393** was closed.

The Chairman called for final action on **SB 296--Eminent domain; blighted property defined.**

Senator Vratil distributed a balloon amendment he requested based on committee suggestions and reviewed the proposed changes (Attachment 9). The committee discussed the proposed changes.

Senator Journey moved, Senator Goodwin seconded, to adopt the balloon amendment proposed by Senator Vratil. Motion carried.

Senator Journey distributed a balloon amendment which would exempt shooting range (Attachment 10).

Following discussion, Senator Journey moved, Senator Schmidt seconded, to create a subsection on page 2, after line 36, to insert "a sport shooting range as defined in K.S.A. 58-3221. Motion failed.

Senator Journey distributed a second balloon amendment addressing exceptions to legislative oversight and explained the amendment (Attachment 11). Following discussion, the Chairman indicated the committee was out of time and would continue final action at a later date.

The meeting adjourned at 10:31 A.M. The next scheduled meeting is March 8, 2007.