

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on March 25, 2003 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Others attending: see attached list

Final action on:

HB 2132 - Increasing fee charged to inmates on work release from county jail

Chairman Vratil reviewed **HB 2132**, and explained that this bill relates only to work release inmates. He stated that there was no fiscal impact on the state, and there would be a positive fiscal impact on the counties.

After brief discussion, Senator O'Connor made a motion to recommend **HB 2132** favorably, seconded by Senator Goodwin, and the motion carried.

HB 2297 - Garnishment; release of funds if no order to pay issued

Chairman Vratil reviewed **HB 2297**, and said there was an amendment from the Revisor. He commended Senator Schmidt for working with the Revisor's staff in drafting this amendment and basically rewriting current statutory law so that it makes a little more sense and reads a little easier without changing the substance. He explained the proposed amendment incorporates the amendment proposed by this bill. (Attachment 1)

Committee discussion regarded the request by the Kansas Bankers Association to change the "shall" back to "may" as in the original language of the bill which the House Committee had amended to use the word "shall". The Chair explained that the KBA was concerned that there is some time and effort in tracking these garnishments, and the garnishment may not be released before the 60 days expired. He said the bankers did not want to be held responsible for failing to release that garnishment on the 61st day, and wanted a little extra time to perform that administrative function.

Senator Schmidt made a motion to adopt the amendment before the Committee with the additional change of striking the word "shall" and replacing it with "may" in the two places discussed. The motion was seconded by Senator Goodwin, and the motion to amend carried.

Senator Schmidt moved to report **HB 2297** favorably as amended, seconded by Senator O'Connor, and the motion carried.

HB 2271 - Certain crimes against property, raising \$500 threshold to \$2,000

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 25, 2003 in Room 123-S of the Capitol.

Chairman Vratil reviewed **HB 2271**, and explained the House amendment of raising the threshold for felony theft from \$500 to \$1,000. He said it also call for graduated penalties depending upon the amount of the theft with a severity level 5 nonperson felony for thefts of greater then \$100,000, a severity level 7 nonperson for \$25,000 to \$100,000, a severity level 9 for \$1,000 to \$25,000, and then a Class A nonperson misdemeanor for under a \$1,000. He stated he did not have any amendments submitted for this bill.

Senator Schmidt questioned the rationale for the change in criminal damage to property in Section 3 on page 4, and said it was not included in the testimony that the Committee received during the Senate hearing on the bill.

Senator Schmidt made a motion to strike Section 3 on page 4, renumber accordingly, leaving the changes in the proposed statute which would still produce the bed space savings, and leave the threshold for criminal damage to property at \$500 or current law, and report the bill favorably as amended. The motion was seconded by Senator Oleen.

Committee discussion followed regarding bed space impact which would be negligible. The Committee discussed testimony given during the hearing on the bill from several sheriffs supporting this bill as they could handle inmates locally rather than taking them to the state level.

The Chairman called for a vote on the motion to pass **HB 2271** out favorably as amended. The motion carried.

HB 2125 - Child in need of care code, child's current foster parents could not be excluded from certain proceedings, emergency change of placement

Chairman Vratil reviewed **HB 2125**, and said that at the time of the hearing there was a question about the definition of "interested parties". He distributed copies of the requested statutory definition from Mark Gleeson, Office of Judicial Administration. (Attachment 2)

Committee discussion involved concerns about the confidentiality of a child and expanding the hearings each year as to who should be included.

Chairman Vratil explained that this bill is written into three very distinct issues, and if the Committee desires to modify the bill to include or delete any one or more of the three issues, it would be easy to do. A question was raised regarding whether the language in the bill raises doubts as to whether the judge knows what is best for the child. The Chairman clarified that with the definition of "interested party" in the current statute, the judge has a great deal of discretion and control over who is allowed to attend the hearing. The proposed bill would have the affect of limiting that discretion.

Discussion continued regarding the pilot project portion of the bill, and clarification was made that the pilot program was put under the Office of Judicial Administration as a result of a compromise, and that OJA would report back the results of the project. Chairman Vratil stated that the expense of the pilot project was approximately \$7,000.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 25, 2003 in Room 123-S of the Capitol.

Senator Goodwin made a motion to amend **HB 2125** by deleting everything except the pilot project with the understanding that the results be brought back to the appropriate Committee before this is expanded any further. Senator Schmidt seconded the motion.

Discussion followed regarding which judicial districts would be targeted for the pilot project. Kathy Porter, Office of Judicial Administration, stated there would be one rural district and one urban district, but the districts have not been officially chosen yet. Senator Oleen expressed concern about making sure the people involved are properly trained.

Senator Oleen made a motion to amend the bill on page 2, line 22, to read “both of whom have participated in a parent advocate orientation program”. Senator Goodwin said she accepted that as a friendly amendment and Senator Schmidt agreed with his second to the motion.

The Chair called for a vote on the motion including the friendly amendment. The motion carried.

Senator Goodwin moved to recommend **HB 2125** favorably as amended, seconded by Senator Schmidt, and the motion carried.

HB 2133 - Municipal courts collecting fines and court costs

Chairman Vratil reviewed **HB 2133** which involved the Municipal Court of Wichita and the court's debt collection practices. He referred to the proposed amendment by the City of Wichita which was passed out during the hearing on the bill. He explained the amendment would keep all their debt collection practices within the Wichita Municipal Court, and clarified they would not go to the district court to file their judgements and use the district court services to attempt to collect those municipal court fees, fines, penalties, etc. (Attachment 3)

Considerable discussion followed. The Chair explained that this is all new statute and language, and that the compromise worked out is the amendment that has been offered.

Senator Donovan made a motion to substitute the language provided by the City of Wichita for the language currently in the bill and to create a substitute for **HB 2133**, and seconded by Senator Schmidt.

After considerable discussion and concern about taking final action on this bill today, the Chairman asked what the desire of the Committee was on **HB 2133**.

Senator O'Connor made a motion to table **HB 2133**, and did not require a second or discussion. The motion carried.

Chairman Vratil explained that **HB 2133** would come off the table until a committee member initiates a motion to bring it off the table.

The Chairman expressed his appreciation to Committee members for their hard work and attention during the session, and commended them for their good public work.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 25, 2003 in Room 123-S of the Capitol.

The meeting was adjourned at 10:30 a.m.