

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on February 8, 2006, in Room 123-S of the Capitol.

All members were present,

Terry Bruce arrived, 9:37 a.m.  
Barbara Allen arrived, 9:38 a.m.  
Greta Goodwin arrived, 9:38 a.m.  
David Haley arrived, 9:38 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:

Rekha Sharma-Crawford, Attorney  
Randall Allen, Executive Director, Kansas Association of Counties  
James W. Clark, Legislative Counsel, Kansas Bar Association  
Kathy Porter, Office of Judicial Administration  
John Bender, Legislative Director for the University of Kansas  
Ed Jaskinia, Association of Landlords of Kansas  
Alicia Smiley, First Management, Inc.  
Brandy L. Sutton  
Louise Kirkpatrick, Tenant/Landlord Counselor, Housing and Credit Counseling

Others attending:

See attached list.

The hearing on **SB 381--Pleas; court advisory that conviction or guilty plea may have immigration, naturalization consequences** was opened.

Rekha Sharma-Crawford appeared in support of **SB 381** and requested an amendment to require the advisory regarding immigration consequences be made prior to the plea (Attachment 1). The Chairman requested the proposed amendment be drafted into balloon form.

There being no further conferees, the Chairman closed the hearing on **SB 381**.

The Chairman made an appeal to the Committee to arrive on time, at 9:35 a.m. this morning there was only one committee member here and valuable time is being lost. Please try to be on time.

The hearing on **SB 407--Courts; increasing jurors' fees** was opened.

Randall Allen appeared as a proponent but was concerned that the legislation could be a financial burden to some counties (Attachment 2). He requested an amendment to insert the language "as determined by the board of county commissioners for said county" on page 1, line 19. The Chairman indicated that a proposed balloon amendment was being distributed that addressed those same concerns (Attachment 3).

Jim Clark spoke in support of the bill (Attachment 4).

Kathy Porter appeared as a neutral party with the intent of requesting a \$10 minimum be added to the bill which is covered by the previous balloon amendment (Attachment 5). Ms. Porter also pointed out that currently the State has a uniform system and changing it to a county by county decision the Committee may want to consider issues that may arise when cases are transferred from one county to another. She also provided information regarding jury pay across the United States.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on February 8, 2006, in Room 123-S of the Capitol.

Written testimony in support of **SB 407** was submitted by:  
Callie Jill Denton, Kansas Trial Lawyers (Attachment 6)

There being no further conferees, the hearing on **SB 407** was closed.

Final action on **SB 407--Courts; increasing jurors' fees**

Senator Bruce moved, Senator Donovan seconded, to adopt the proposed balloon amendment. Motion carried.

Senator Goodwin moved, Senator O'Connor seconded, to favorably recommend SB 407 as amended. Motion carried. Senator Schmidt voted no and requested his vote recorded.

The hearing on **SB 380--Amendments to the residential landlord and tenant act; inventory of premises, security deposit, automatic renewal clauses** was opened.

Josh Bender spoke in support of the bill and provided a balloon amendment to change language to make it more consistent through the bill and to return Section 2, subsection (c) to original language (Attachment 7). He indicated that the Student Legislative Awareness Board primary concerns were:

- automatic renewal clauses
- arbitrary lists of predetermined charges
- initial inventory of premises
- security deposits
- pre-determination walkthroughs

Ed Jaskinia spoke in opposition to **SB 380**. He stated that pre-determined charges are a courtesy that landlords provide to tenants in response to repeated requests by tenants over the years even though it is often difficult to estimate the cleaning, repairs and replacement costs (No written testimony). Mr. Jaskinia indicated that the 90 day notice is strictly a college town problem because property demand is seasonal. He felt that most of the issues addressed in the bill are due to a lack of knowledge on the part of the tenant.

Alicia Smiley appeared in opposition stating that the amount of time and cost involved to inspect rentals twice at move-out is unreasonable, requiring additional manpower resulting in higher rents (Attachment 8). The changes **SB 380** would enact will cause considerable hardship to landlords by creating time constraints, increased overhead and operation costs.

Brandy Sutton spoke in opposition indicating his concern regarding the unintended consequence of higher rents (Attachment 9). In order to comply with many of the changes proposed in **SB 380** landlords will be forced to use outside labor for repairs and to hire outside labor for repair and cleaning resulting in higher rents to cover costs.

Louise Kirkpatrick appeared as a neutral party indicating her concern that several of the proposed changes have the potential to cause more confusion without realization of the desired benefits (Attachment 10). The Kansas Residential Landlord and Tenant Act was written to address the complete residential rental picture and has been effective in that regard.

There being no further conferees, the Chairman closed the hearing on **SB 380**.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is February 9, 2006.