

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:31 A.M. on March 13, 2007, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen- excused  
Les Donovan arrived, 9:43 A.M.  
Derek Schmidt arrived, 9:37 A.M.  
Dwayne Umbarger arrived, 9:50 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:

Eric N. Anderson, Attorney, Salina  
Kathy Olson, Kansas Bankers Association  
Matthew Goddard, Vice President, Heartland Community Bankers Association

Others attending:

See attached list.

The hearing on **SB 32--Health care; medical assistance repayment; discretionary trusts** was opened.

Eric Anderson appeared as a proponent, indicating he has met with the Kansas Health Authority regarding **SB 32** (Attachment 1). Mr. Anderson stated that there has been limited agreement on items of concern and submitted four recommended changes.

Neutral written testimony was submitted by:

Dr. Marcia Nielsen, Executive Director, Kansas Health Policy Authority (Attachment 2)

Following testimony, the Chairman indicated that the committee had heard **SB 32** earlier in the session, worked it, and passed it out of committee, but the same day the bill was passed out and before the Chairman turned in the committee report, he received a rather frantic letter from the Kansas Public Health Authority indicating they had just heard about the bill and they had problems with it. So the Chairman did not turn in the committee report, and kept the bill in committee in order that the committee may consider the concerns of the Kansas Public Health Authority.

The Chairman directed the revisor to prepare a balloon amendment reflecting the amendments proposed by Mr. Anderson.

There being no further conferees, the hearing on **SB 32** was closed.

The Chairman opened the hearing on **HB 2282--Perfection of security interests on certificates of title**.

Kathy Olsen appeared in support, indicating the bill will re-instate language that will protect a lender's security interest in vehicles and manufactured homes (Attachment 3). Enactment of this bill will ensure that future lenders are not left in the lurch by failure of the Division of Motor Vehicles to note liens on titles. Ms. Olson provided a balloon amendment developed in meetings with the Department of Revenue, Division of Motor Vehicles and explained the changes.

Matthew Goddard spoke in favor, indicating **HB 2283** addresses a problem that has surfaced in several bankruptcy cases (Attachment 4).

Written testimony in support of **HB 2283** was submitted by:

Martha Neu Smith, Executive Director, Kansas Manufactured Housing Assn. (Attachment 5)

There being no further conferees, the hearing on **HB 2283** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:31 A.M. on March 13, 2007, in Room 123-S of the Capitol.

Final action continued on **SB 296–Eminent domain; blighted property defined.**

The Chairman distributed an updated version of **SB 296** containing all changes made to date (Attachment 6) and a proposed balloon amendment from Patrick DeLapp (Attachment 7). Following discussion, there was no action on the DeLapp amendment.

Senator Journey moved, to recommend **SB 296**, as amended, favorably for passage. There was no second.

Senator Haley moved, Senator Lynn seconded, to table **SB 296**. Senator Journey made a substitute motion to request the Chairman to refer **SB 296** for an interim study, Senator Betts seconded. Motion carried. Senators Lynn and Haley voted “no” and requested their votes recorded.

The Chairman called for final action on **Sub HB 2035--Scrap metal dealers; theft of scrap metal.**

Senator Vratil distributed a proposed substitute bill. He explained the proposed bill would create a new section in the statutes creating a scrap metal provision making them complimentary to the existing junk dealer statutes rather than repealing the junk dealer statutes (Attachment 8).

Senator Schmidt suggested in Section 2 (a) (1) strike the word “full” and insert the word “only” following the word “therefore” and in Section 4 strike the word intentionally in the second sentence.

Senator Goodwin moved, Senator Donovan seconded, to recommend **Senate Substitute for Sub HB 2035**, with changes made by Senator Schmidt, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2393--Municipal courts; fines, restitution, costs; collection agents; judgments enforceable in district court.**

The Chairman distributed a balloon amendment and explained the changes to the bill (Attachment 9).

Senator Journey moved, Senator Schmidt seconded, to amend **HB 2393** as reflected in the balloon amendment.

Senator Schmidt distributed a balloon amendment and described the changes (Attachment 10). Senator Haley requested time to look over the proposed changes. The Chairman indicated final action would continue at a later date.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is March 14, 2007.