

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:37 a.m. on January 29, 2002 in Room 120-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Nancy Lindberg, Office of Attorney General
Mike Taylor, City of Wichita
Tom Palace, Petroleum Marketers and Convenience Store Association (PMCA)
Senator Lyon
Linda Elrod, Professor, Kansas Bar Association (KBA)

Others attending: see attached list

The minutes of January 28th meeting were approved on a motion by Senator Adkins, seconded by Senator Gilstrap, Carried.

Bill introductions:

Senator Umbarger requested introduction of a bill which would provide limited immunity from liability for owners of anhydrous ammonia. (no attachment) Senator Donovan moved to introduce the bill conceptually, Senator O'Connor seconded. Carried.

Senator Goodwin requested introduction of a bill which would change current law regarding battery against a law enforcement officer changing the penalty from a misdemeanor to a nondrug level 5. (attachment 1) Senator Umbarger moved to introduce the bill, Senator Oleen seconded. Carried.

Conferee Lindberg requested introduction of a bill which would amend current law by adding language which would allow Kansas residents who are victims of crime in other countries to apply for compensation benefits with the Crime Victims Compensation Board.(attachment 2) Senator Donovan moved to introduce the bill, Senator O'Connor seconded. Carried.

Conferee Taylor requested introduction of two bills which would assist cities in collection of delinquent fines. The first bill would allow the collection agency fee amount to be added to the amount of the fine and the second would provide that, prior to obtaining an automobile registration, all fines must be paid. (no attachment) Senator Goodwin moved to introduce the bills, Senator Donovan seconded. Carried.

Conferee Palace requested introduction of a conceptual bill that would make it unlawful to sell motor fuel that is below the acquired cost of the fuel, plus taxes and transportation. (attachment 3) Senator O'Connor moved to introduce the bill, Senator Schmidt seconded. Carried.

Senator Goodwin reported on DNA testing information she received from Kyle Smith, KBI in response to her inquiry about expanding the DNA databank law to all felonies. (attachment 4)

SB 173—concerning divorce; re: grounds

Conferee Lyon testified in support of **SB 173**, a bill which “restricts the divorce ground of incompatibility to the case of mutually consenting spouses with no dependent children”...and reinstates permissible grounds for couples with dependent children or where one of the spouses objects to the divorce. He discussed the intent of the legislation, a history and impact of unilateral “no-fault” divorce, and problems with the existing statute. He outlined what the bill would do and presented a summary of supporting testimony from a number of groups and individuals including a review and comments by Attorney Joe Patton on the state’s fiscal note on **SB 173**. (attachment 5)

Conferee Elrod testified in opposition to **SB 173**. She discussed, in detail, why she felt the bill will not accomplish its intent of providing children with “two parent” homes, reviewing data from a study she authored called “Reforming the System to Protect Children in High Conflict Custody Cases.” She offered other solutions which she felt would be more effective than reinstating fault divorce. (attachment 6)

The meeting adjourned at 10:33 a.m. The next scheduled meeting is February 1, 2002.