

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:33 A.M. on January 25, 2007, in Room 123-S of the Capitol.

All members were present except:

David Haley arrived, 9:35 A.M.  
Barbara Allen arrived, 9:40 A.M.  
Derek Schmidt- excused

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:

Larry Buening, Executive Director, Kansas Board of Healing Arts  
Charles L. Wheelen, Kansas Association of Osteopathic Medicine  
Cindy Lash, Audit Manager, Legislative Division of Post Audit  
Dan Morin, Director of Government Affairs, Kansas Medical Society

Others attending:

See attached list.

The hearing on **SB 39--Search warrant; affidavit or testimony supporting probable cause; availability to homeowner, when; statute of limitation tolled** was opened.

Senator Journey testified in support, indicating this bill would provide citizens access to information used to obtain a search warrant if no charges have been filed within one year. Occasionally, individuals are mistakenly identified and this bill would help those victims to determine whether to proceed with civil lawsuits (Attachment 1).

Written testimony in opposition to **SB 39** was submitted by:

Ed Klumpp, Kansas Association of Chiefs of Police (Attachment 2)

There being no further conferees, the hearing on **SB 39** was closed.

The hearing on **SB 40--Creating the crime of automated teller machine robbery and aggravated automated teller machine robbery** was opened.

Senator Journey spoke in support, stating that often crimes involving automated teller machines (ATM) can continue for hours or days. This bill will increase the criminal penalties imposed for the crimes of robbery and aggravated robbery at an ATM (Attachment 3).

There being no further conferees, the hearing on **SB 40** was closed.

The hearing on **SB 81--Fingerprinting and criminal history background checks required by the board of healing arts** was opened.

Larry Buening appeared in support. The bill would authorize the State Board of Healing Arts to require fingerprinting and conduct criminal background checks on applicants for any credential issued by the Board (Attachment 4).

Charles Wheelen testified in support, providing a friendly amendment to add the word "original" on page 1, line 13 to read "As part of an original application" (Attachment 5).

Cindy Lash provided neutral testimony, stating that **SB 81** corresponds to a recommendation made by the

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Legislative Division of Post Audit (Attachment 6).

Dan Morin provided neutral testimony, indicating fingerprinting and criminal background checks are becoming increasingly common in general employment hiring and the health care licensing process. Mr. Morin suggested the State of Kansas should consider expanding fingerprinting and criminal background checks for applicants for any kind of license issued by the state (Attachment 7).

There being no further conferees, the hearing on **SB 81** was closed.

Final action continued on **SB 37--Concerning the crime of smoking in indoor areas.**

Senator Betts informed the committee that he has decided to withdraw, at this time, the amendment he offered yesterday.

Senator Allen moved to reconsider Senator Haley's amendment from January 24. The Chairman indicated that since Senator Allen voted on the prevailing side, she has the right to offer a motion to reconsider which requires no second. Following discussion, the motion to reconsider was made. Motion carried. Chairman Vratil reminded the committee they were now back on Senator Haley's original motion to amend, seconded by Senator Betts. Motion failed.

Senator Vratil moved to amend the bill as recommended by the Office on Judicial Administration regarding the division of monies collected to be distributed in accordance with current law in K.S.A. 20-350 (Attachment 8). Senator Bruce moved, Senator Goodwin seconded, to adopt the amendment. Motion carried.

The Chairman announced final action on **SB 37** will continue next week.

The meeting adjourned at 10:30 A.M. The next scheduled meeting is January 29, 2007.