

Approved: June 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on March 14, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees Appearing before the Committee:

Senator Tom Holland
Phil Cline
Bill Sneed, State Farm Insurance Companies

Others in Attendance:

See Attached List

The Chairman opened the hearings on **SB 396**—Lateral support of land and buildings; protections for party walls.

Mr. Thompson reviewed the bill. He stated the bill would provide landowners an absolute right to have their land, and buildings thereon, laterally supported by the soil of their neighbors and would create a cause of action in cases of disturbance of that support.

Senator Holland testified in support of **SB 396**. He stated he introduced the bill to address an issue for a constituent who suffered damages to a building as a result of an adjacent owner's negligence in not properly supporting a shared party wall. (Attachment 1).

Phil Cline testified in support of **SB 396**. He stated everyone is entitled to an absolute right to the lateral support of ground and walls. (Attachment 2).

Bill Sneed testified in opposition to **SB 396**. He stated Kansas case law is a bit confusing in the area, but he believes the bill is over-broad in its current form. (Attachment 3).

Written testimony in opposition to **SB 396** was submitted by Sandra Sigler. (Attachment 4).

The Chairman closed the hearings on **SB 396**.

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on March 14, 2012, in Room 548-S of the Capitol.

The Chairman turned the Committee's attention to **HB 2464—Amending criminal discovery statute to prohibit release of child pornography evidence to the defense.**

*Senator Vratil moved, Senator Kelly seconded, to amend **HB 2464** on page 3, in lines 41 and 42, by striking “law enforcement” and inserting “government”. Motion adopted.*

*Senator King moved, Senator Kelly seconded, that **HB 2464** be passed, as amended. Motion adopted.*

The Chairman turned the Committee's attention to **HB 2465—Authorizing sentencing court to order lifetime electronic monitoring for certain sex offenders.**

*Senator King moved, Senator Umbarger seconded, that **HB 2465** be passed. Motion adopted.*

The Chairman turned the Committee's attention to **HB 2494—Statute of limitations for sexually violent offenses when victim is a child.**

*Senator Vratil moved, Senator Kelly seconded, that **HB 2494** be passed. Motion adopted.*

*Senator Bruce moved, Senator Lynn seconded, that the Committee reconsider its action on **HB 2494**. Motion adopted.*

*Senator Bruce moved, Senator Lynn seconded, that **HB 2494** be amended on page 2, in line 28, by striking “offense as described” and inserting “crime as defined”. Motion adopted.*

*Senator Bruce moved, Senator Lynn seconded, that **HB 2494** be passed, as amended. Motion adopted.*

The Chairman turned the Committee's attention to **HB 2533—Amending requirements and penalties for failure to report suspected child abuse.**

Copies of written testimony in support of **HB 2533** submitted by Gina Meier-Hummel was distributed to the Committee. (Attachment 5).

Senator Vratil expressed concerns that terms used in the bill were not defined. He also expressed concerns that the bill actually narrows the list of mandatory reporters.

*Senator Vratil moved, Senator Kelly seconded, that **HB 2533** be tabled. Motion adopted.*

Senators Pilcher-Cook and Donovan voted no.

The Chairman turned the Committee's attention to **HB 2568—Amendments to the Kansas offender registration act.**

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on March 14, 2012, in Room 548-S of the Capitol.

Senator Vratil moved, Senator Umbarger seconded, to amend **HB 2568** be amended as suggested by Kyle Smith in his testimony submitted on March 5, 2012; in regard to the option in the 4th suggested amendment, clarify the the House's amendment to the bill; and to authorize the revisor to make any necessary technical and conforming amendments. Motion adopted. (Attachment 6).

The next meeting is scheduled for March 15, 2012.

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