

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:35 a.m. on February 13, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Les Donovan- excused  
Senator Julia Lynn- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Mike Kautsch, Professor of Law  
Doug Anstaett, Executive Director, Kansas Press Association  
Kent Cornish, Kansas Association of Broadcasters

Others attending:

See attached list.

The Chairman opened the hearing on **SB 211 - Providing journalists with privilege concerning the disclosure of certain information.**

Mike Kautsch testified in support indicating the value of testimonial privilege for journalists by providing some recent examples where the public good was served due to this type of protection. This bill would clarify current Kansas law and it would be a significant advancement in maintaining accountability, transparency, and honesty in government. The bill would be consistent with actions that several states across the country have taken. (Attachment 1)

Doug Anstaett appeared in favor by relating the recent experience of a local reporter regarding subpoenas in two separate cases. In both situations he could have been jailed and his newspaper fined for refusing to cooperate. Few newspaper owners have the financial means to absorb the financial impact on their business. This bill will protect a journalist from revealing his or her sources or unpublished information without due process. (Attachment 2)

Kent Cornish appeared as a proponent stating **SB 211** is as much about protecting the citizens of Kansas as it is about the protection of reporters. Information regarding corruption and wrongdoing should be reported without fear of retribution. The media should protect citizens willing to come forward with vital information. (Attachment 3)

Written testimony in opposition to SB 211 was submitted by:

Kevin O'Connor, Deputy District Attorney, 18<sup>th</sup> Judicial District of Kansas (Attachment 4)

There being no further conferees, the hearing on **SB 211** was closed.

The Chairman called for final action on **SB 157 - Driver improvement clinics, fees, disposition thereof; correctional services special revenue fund.**

Following discussion, the committee determined to continue final action at a later date pending the outcome of an anticipated DUI bill.

The Chairman called for final action on **SB 158 - Allowing offenders in violation of a traffic citation to be issued a restricted driver's license.**

Jason Thompson, staff revisor, reviewed the bill. A balloon amendment from the Office of Judicial Administration was distributed which addressed concerns presented during the February 10 hearing.

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 13, 2009, in Room 545-N of the Capitol.

(Attachment 5) Senator Vratil noted an amendment recommended by Judge Karen Arnold-Burger and others in submitted written testimony. (Attachment 6)

Following discussion, Senator Vratil moved, Senator Schodorf seconded, to amend SB 158 with the language submitted by the judges. Motion carried.

Senator Schodorf moved, Senator Vratil seconded, to amend SB 158 as reflected in the balloon amendment from the Office of Judicial Administration. Motion carried.

Senator Haley moved, Senator Schodorf seconded, to recommend SB 158 as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 159 - Enforcement of tobacco settlement**. Jason Thompson, staff revisor, reviewed the bill.

Senator Schodorf moved, Senator Kelly seconded, to recommend SB 159 favorably for passage. Motion carried.

The Chairman called for final action on **SB 148 - Kansas silver alert plan**. The Chairman reviewed the bill and noted written testimony submitted by Ed Klumpp, Kansas Association of Chief's of Police and Kansas Peace Officers, on concerns following the hearing on February 12. (Attachment 7)

Senator Haley moved, Senator Schodorf seconded, to amend SB 148 on line 18 replacing the word "shall" with the word "may" and on line 19 replacing the word "shall" with the word "may". Motion carried.

Senator Haley moved, Senator Schodorf seconded, to recommend SB 148, as amended, favorably for passage. Motion carried.

The next meeting is scheduled for February 16, 2009.

The meeting was adjourned at 10:29 a.m.