

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:34 a.m. on February 11, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator David Haley- 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
Karen Clowers, Committee Assistant

Conferees appearing before the committee:
Phil Perry, Home Builders Assn. Of Kansas City
Dan Murray, Kansas Cable Telecommunications Assn.
Ed Klumpp, Kansas Assn. of Chiefs of Police & Kansas Peace Officers
Patrick Broxterman, Assistant Attorney General

Others attending:
See attached list.

The Chairman opened the hearing on **SB 237 - Scrap metal, regulations concerning selling and buying.**

Phil Perry appeared in support stating the proposed legislation will expand the scope of materials covered under current law, require increased identifying information of sellers, and enhanced penalties for violators. Enactment of the bill will deter theft from construction sites, utilities, vehicles, public parks, and other areas that place the public in danger. ([Attachment 1](#))

Dan Murray testified in favor indicating the cable industry continues to suffer tremendous losses due to the theft of copper and other materials. Disruption of service, costly repairs, and replacement materials has become a severe economic, customer service, and safety issue. ([Attachment 2](#))

Ed Klumpp spoke in support indicating the need to strengthen existing scrap metal laws. Offenders continue to find new ways to circumvent existing laws and offered several amendments to clarify and define language in the current bill. ([Attachment 3](#))

Written testimony in support of **SB 237** was submitted by:
Kent Cornish, President, Kansas Association of Broadcasters ([Attachment 4](#))
Whitney Damron, City of Topeka ([Attachment 5](#))
Eric Stafford, Associated General Contractors of Kansas, Inc. ([Attachment 6](#))
Larry Berg, Midwest Energy ([Attachment 7](#))
Mark Schreiber, Westar Energy ([Attachment 8](#))

There being no further conferees, the hearing on **SB 237** was closed.

The Chairman opened the hearing on **SB 159 - Enforcement of tobacco settlement.**

Patrick Broxterman appeared in support providing a review of the bill and discussing the proposed changes. **SB 159** would amend the escrow statutes concerning the tobacco Master Settlement Agreement by clarifying the type of information required by stamping agents and non-participating manufacturers. The bill clarifies deceptive trade practices, the penalties for these violations, and then ensures recovery of investigative costs to the state agency initiating the action. Mr. Broxterman emphasized the enactment of **SB 159** will ensure continued receipt of monies from the Agreement by proving diligent enforcement as defined in the Master Settlement Agreement. ([Attachment 9](#))

There being no further conferees, the hearing on **SB 159** was closed.

The Chairman called for final action on **SB 135 - Kansas open meetings act; interactive communications**

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:34 a.m. on February 11, 2009, in Room 545-N of the Capitol.

constituting open meetings. Jason Thompson, staff revisor, reviewed the bill.

Senator Schmidt moved, Senator Vratil seconded, to recommend **SB 135** favorably and, because it is technical correction to previous legislation, be placed on the consent calendar. Motion carried.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 10:15 a.m.