

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:32 a.m. on February 2, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator Jean Schodorf- 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

Others attending:
See attached list.

The Chairman called for final action on **SB 6 - Professional fund raisers; required disclosures.** The Chairman reviewed the bill.

Senator Derek Schmidt provided an amended bill draft containing language addressing the Attorney General's concern regarding constitutionality. Dan Gibb, Deputy Attorney General was called upon to confirm the Attorney General's agreement with the language. Senator Schmidt reviewed the changes in the substitute draft. (Attachment 1)

Following discussion, Senator Schmidt moved, Senator Vratil seconded, to delete the language in SB 6 and make a substitute bill with the proposed language in the distributed draft. Motion carried.

Senator Schmidt moved, Senator Kelly seconded, to recommend Sub SB 6 favorably for passage. Motion carried.

The Chairman called for final action on **SB 26 - Additional months added to sentences for certain drug felonies involving firearms.** Jason Thompson, Revisor, reviewed the bill for the committee including amendments to define brandishing and changes to the sentencing requirements.

Following discussion, Helen Pedigo, Kansas Sentencing Commission, was called upon to answer technical questions regarding collection of data and prison bed impact.

Senator Schmidt moved, Senator Bruce seconded, to amend SB 26 on page 5, line 2, striking the language following the period and striking lines 4, 5, 6, 7, & 8. Motion carried.

Senator Lynn moved, Senator Vratil seconded, to recommend SB 26 as amended favorably for passage. Motion carried. Senators Haley and Kelly voted no and requested their votes recorded.

The Chairman called for final action on **SB 28 - Transportation of controlled substances; same penalty as open container of liquor.** Jason Thompson, staff revisor, reviewed the bill and distributed a balloon amendment drafted to clarify that the punishment is only for the unlawful possession of prescription drugs. (Attachment 2)

Senator Vratil moved, Senator Donovan seconded, to amend SB 28 as reflected in the balloon amendment. Motion carried.

Senator Donovan moved, Senator Kelly seconded, to amend SB 28 conceptually to allow opened wine legally sealed for transport. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to recommend SB 28 as amended, favorably for passage. Motion carried.

The next meeting is scheduled for February 3, 2009.

The meeting was adjourned at 10:32 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-2-09

NAME	REPRESENTING
Denny Koch	POLSIWELL LAW
Derek Mann	Mann Law Firm
Steven Redigo	KSC

DRAFT

SENATE BILL NO. _____

JT

By

AN ACT the charitable organizations and solicitations act; concerning professional fund raisers; amending K.S.A. 17-1766 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 17-1766 is hereby amended to read as follows: 17-1766. At Prior to verbally requesting a contribution, or contemporaneously with and accompanying a written request for a contribution, all solicitations by professional solicitors shall contain the following disclosures at the point of solicitation:

(a) The name, address and telephone number of the charitable organization;

(b) the registration number, obtained pursuant to K.S.A. 17-1763, and amendments thereto, for the charitable organization;

(c) if the solicitation is made by a person acting as a professional solicitor, the registration number obtained pursuant to K.S.A. 17-1765, and amendments thereto; and

(d) that an annual financial report required by K.S.A. 17-1763, and amendments thereto, for the preceding fiscal year is on file with the secretary of state;

(e) the name of the professional solicitor and the professional fund raiser, and the fact that the solicitation is being conducted by a professional solicitor who is being paid for soliciting;

(f) the fact that the professional solicitor is employed by

a professional fund raiser, the name of the professional fund raiser as registered with the secretary of state, and the fact that information about the professional fund raiser is on file for public inspection with the secretary of state; and

(g) if requested by the prospective donor, the amount of the contribution to be retained by the professional fund raiser, calculated as follows:

(1) If the compensation paid to the professional fund raiser is contingent upon the number of contributions or the amount of revenue received from the solicitation campaign, the stated amount shall be expressed as a fixed percentage of gross revenue.

(2) If the compensation paid to the professional fund raiser is not contingent upon the number of contributions or the amount of revenue received, the stated amount shall be a reasonable estimate, expressed as a percentage of the gross revenue. The stated estimate, expressed as a percentage of gross revenue, shall be based upon all of the relevant facts known to the professional fund raiser regarding the solicitation to be conducted as well as the past performance of solicitations conducted by the professional fund raiser. The prospective donor shall be informed that the stated amount is an estimate.

Sec. 2. K.S.A. 17-1766 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL No. 28

By Committee on Judiciary

1-14

Schmidt Balloon
RS - JThompson - 01/22/09

Senate Judiciary
2-2-09
Attachment 2

9 AN ACT concerning traffic; relating to the transportation of controlled
10 substances; amending K.S.A. 2008 Supp. 8-1599 and repealing the
11 existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 8-1599 is hereby amended to read as
15 follows: 8-1599. (a) As used in this section;

16 (1) "Alcoholic beverage" means any alcoholic liquor, as defined by
17 K.S.A. 41-102 and amendments thereto, or any cereal malt beverage, as
18 defined by K.S.A. 41-2701, and amendments thereto.

19 (2) "~~Controlled substance~~" ~~and~~ "~~controlled substance analog~~" ~~have~~
20 ~~the meanings provided by K.S.A. 65-4101, and amendments thereto.~~

21 (3) "~~Highway~~" and "~~street~~" ~~have the meanings provided by K.S.A. 8-~~
22 ~~1424 and 8-1473, and amendments thereto.~~

23 (b) No person shall transport in any vehicle upon a highway or street
24 any:

25 (1) Alcoholic beverage unless such beverage is:
26 (A) In the original unopened package or container, the seal of
27 which has not been broken and from which the original cap, cork or other
28 means of closure has not been removed;

29 (B) (i) in the locked rear trunk or rear compartment, or any
30 locked outside compartment which is not accessible to any person in the
31 vehicle while it is in motion; or

32 (B) (ii) if a motor vehicle is not equipped with a trunk, behind the
33 last upright seat or in an area not normally occupied by the driver or a
34 passenger; or

35 (B) (C) in the exclusive possession of a passenger in a vehicle which
36 is a recreational vehicle, as defined by K.S.A. 75-1212 and amendments
37 thereto, or a bus, as defined by K.S.A. 8-1406 and amendments thereto,
38 who is not in the driving compartment of such vehicle or who is in a
39 portion of such vehicle from which the driver is not directly accessible;
40 or

41 (2) *controlled substance or controlled substance analog.*

42 (c) Violation of this section is a misdemeanor punishable by a fine of
43 not more than \$200 or by imprisonment for not more than six months,

means any drug, substance or immediate precursor
included in any of the schedules designated in K.S.A.
65-4105, 65-4107, 65-4109 and 65-4111, and
amendments thereto.
(3)

has the meaning

(4)

that is possessed in violation of the uniform
controlled substances act, K.S.A. 65-4101
et seq., and amendments thereto