

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:34 a.m. on February 11, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Oleen (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Tim Madden, Department of Corrections (DOC)
Steve Rarrick, Office of Attorney General (AG)
Ernest Pogge, AARP

Others attending: see attached list

The minutes of the February 8th, 2002 meeting were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

SB 434—unlawful sexual relations by contracted employees

Conferee Madden testified in support of **SB 434**, a bill which expands the definition of unlawful sexual relations in current law to include contract employees. The conferee discussed the provisions in the bill in detail.(attachment 1) Following discussion Senator Donovan moved to pass the bill out favorably, Senator Schmidt seconded. Carried.

SB 382—consumer protection; re: profiteering from disaster

Conferee Rarrick testified in support of **SB 382**, a bill which would make it an unconscionable act for any supplier to engage in profiteering as a result of a disaster. He stated the bill defines “profiteering from disaster” and discussed the guidelines it sets for the court to consider in its determination of profiteering. He further discussed a balloon amendment he offered which extends the definition of “disaster” and “time of disaster” to include a declaration of a local disaster emergency by certain local officials.(attachment 2) Following discussion Senator Schmidt moved to adopt the balloon amendment, Senator Goodwin seconded. Carried.

Conferee Pogge testified in support of **SB 382**. He discussed AARP’s work with several municipalities in obtaining approval of regulations governing fraudulent home repair practices which often occur after a natural disaster. He stated his organization supports efforts to cap increases on necessary supplies and service during times of disaster.(attachment 3)

Committee Member Senator Schmidt testified in support of **SB 382**. He discussed guidelines in the bill which help clarify current law regulating profiteering from disaster.(attachment 4)

SB 443—personal property of inmates; establishing when considered abandoned property

Conferee Madden testified in support of **SB 443**, a bill which provides for the disposition of abandoned inmate property. He reviewed current legislation and discussed the changes in this bill which he stated are technical in nature.(attachment 5) Following discussion Senator Haley moved to pass the bill out favorably, Senator Schmidt seconded. Carried.

Final action

SB 399—CINC; re: appointment of counsel.

Following a review of **SB 399** by the Chair and notification by staff regarding a printing error, Senator Schmidt moved to make a corrected reprint of the bill, Senator O’Connor seconded. Carried. Lengthy discussion followed. Senator Goodwin moved to pass the bill out favorably, Senator Schmidt seconded. Carried 6-3 with Senator Pugh requesting his nay vote be recorded.

SB 400—Kansas probate code; re: residence of administrator

Following a review of **SB 400** by the Chair, Senator Donovan moved to pass the bill out favorably, Senator O’Connor seconded. Carried.

SB 412—aid to indigent defendants; application fee

Following a review of **SB 412** by the Chair, Senator Goodwin moved to pass the bill out favorably, Senator Umbarger seconded. Carried.

The meeting adjourned at 10:36 a.m. The next scheduled meeting is February 12, 2002.