

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:40 a.m. on February 20, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

None

Others attending: see attached list

SB 99—offender registration act

The Chair reviewed **SB 99**, a bill which adds to the list of persons convicted of certain violent and sexually oriented offenses who are required to register with the sheriff of their county of residence, those convicted in another state who have moved to Kansas. Following distribution and discussion of a balloon amendment which staff prepared at an earlier request of the Chair to help clarify the technical amendments to the bill, Senator Adkins moved to amend SB 99 and pass the bill out favorably as amended, Senator O'Connor seconded. Carried.

SB 132—aggravated battery

The Chair reviewed **SB 132**, a bill which adds aggravated battery to the DUI statutes. Following brief discussion Senator Adkins moved to pass the SB 132 out favorably, Senator Haley seconded. Carried.

SB 136—wage garnishment; assignment of account

After discussion of **SB 136**, a bill which would allow third parties to utilize wage garnishment of assigned accounts, Senator Donovan moved to pass the bill out favorably, Senator O'Connor seconded. Motion failed

SB 137—enacting the Kansas estate tax apportionment act

The Chair reviewed **SB 137**, a bill which replaces all previous estate tax provisions with a method of apportioning and assessing estate taxes between all of the decedent's beneficiaries, whether the parties' testamentary interest is a probate or non-probate interest. Senator Goodwin moved to pass the bill out favorably, Senator Adkins seconded. Carried.

SB 175—re: certain remedies under the consumer protection act

Senator Schmidt reviewed his subcommittee's report on **SB 175**, a bill "which clarifies procedural requirements for sequestering assets of certain supplier defendants in consumer protections actions and creates a prejudgment lien on this property under the Kansas Consumer Protection Act." (attachment 1) Following discussion, Senator Schmidt moved to pass the bill out favorably as recommended by the subcommittee, Senator Adkins seconded. Carried.

SB 76—agreements between the state and Native American Indian tribes

The Chair reviewed two balloon amendments to **SB 76**, one offered by the governor's office and the other offered by Ron Hein, tribal representative. These amendments show where there is agreement between the parties and where there are differences. Following lengthy discussion Senator Adkins moved to amend SB 76 to expand the governor's authority to negotiate with any Native American tribe, Senator Gilstrap seconded. Motion failed. Senator Vratil moved to amend SB 76 to limit the necessity of the governor to report negotiations of compacts to only those involving taxing authority, law enforcement authority, or water rights, Senator Adkins seconded. Carried Following

discussion on the use of the words compact or agreement terminology Senator Adkins moved to amend **SB 76** by striking the words “or agreement” as they appear throughout the bill. Motion died for lack of second. Senator Oleen moved to amend **SB 76** by striking language in the bill which would make it necessary for the governor to report prospective negotiations to the joint committee. Senator Adkins seconded. Carried. Senator Oleen moved to pass **SB 76** out favorably as amended. Senator O’Connor seconded. Carried.

SB 67–DUI; concerning penalties

The Chair distributed copies of a chart prepared by staff which gives a comparative description of current law and two amendment proposals to **SB 67** relating to DUI penalties. (attachment 2) This bill was passed as amended on February 13th but is now being revisited because of serious funding considerations attached to the amendment which removed the .02 requirement from the bill. Following an overview of the chart and lengthy discussion Senator Oleen moved to amend **SB 67** using Proposal #2 on the chart. Senator Pugh seconded. Motion failed. Following further discussion, Senator Adkins moved to pass **SB 67** out favorably without amendments. Senator Schmidt seconded. Senator Haley made a substitute motion to table **SB 67**. Motion died for lack of second. Senator Oleen made a substitute motion to amend the bill using Proposal #1 on the chart. Senator Donovan seconded. Carried. Senator Donovan moved to pass the bill out favorably as amended. Senator Goodwin seconded. Carried.

Meeting adjourned at 10:33 a.m. The next scheduled meeting is February 27, 2001.