

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on February 25, 2003, in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee: None

Others attending: see attached list

Final action on:

SB 63 - Changing the law enforcement telecommunications committee to the criminal justice information system committee

Chairman Vratil briefly review **SB 63**. Senator Goodwin moved that **SB 63** be passed out favorable, seconded by Senator Schmidt, and the motion carried.

SB 67 - Open records after a child fatality

Chairman Vratil summarized **SB 67** briefly, and reminded the Committee that there were proposed amendments for consideration including the changes recommended by SRS along with clarifications.

Senator Goodwin moved to amend the bill where ever the phrase “life threatening injuries” appears it would be replaced by the phrase “near fatality”, and also to amend the bill where ever it refers in the appropriate context to “child abuse or neglect” to change that to “alleged child abuse or neglect”. The motion was seconded by Senator Schmidt, and the motion carried.

The Chairman directed the Committee’s attention to the balloon amended recommended by Senator Adkins which would add an additional situation in which records may be disclosed, and it for the Department of Health and Environment for the purpose of caring out the responsibilities relating to licensure or registration of child care providers as required by Kansas statutes.

Senator Schmidt moved to amend the bill as recommended by Senator Adkins, seconded by Senator Umbarger, and the motion carried.

Senator Allen moved to pass the bill out favorably as amended, seconded by Senator Goodwin, and the motion carried.

SB 70 - Repeal SRS pass through assistance to family

Chairman Vratil reviewed **SB 70**, and that it had a significant positive fiscal note of about \$1,176,894.00. Senator O’Connor stated she strongly opposed the bill as it should not be passed on the backs of families receiving support. Senator Goodman commented that originally she had felt the same way as Senator

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on February 25, 2003 in Room 123-S of the Capitol.

O'Connor, but then found out that it cost the state \$64 to pass through \$30, and it didn't seem prudent in the state's budget crisis to pay \$40 to the family and \$24 to Health and Human Services. She said because of this she would be supporting the bill.

After further discussion, Senator Goodwin moved that the bill be passed favorably and seconded by Senator Oleen. Th motion carried on a count of five to four, with one abstaining and one absent.

SB 171 - Changes the lower dollar limit of felony theft

Following the Chair's review of **SB 171** and discussion regarding prison bed space and potential negative impact on private industries, the Chairman called for a vote on the bill. Senator Oleen moved to recommend the bill be passed out favorably, seconded by Senator Goodwin, and the motion carried.

SB 187 - Allows Kansas City, Kansas community college forensic laboratory to charge fees for forensic services

Chairman Vratil reviewed **SB 187**, and stated he had requested a balloon amendment on this bill to treat the Kansas City, Kansas Community College forensic laboratory in the same manner as the Sedgwick County and Johnson County forensic laboratories are dealt with in the current statute. He said there should be an addition made to the amendment on page 2, at the very end and should read, "shall be deposited in Wyandotte General Fund".

Senator Schmidt made a motion to amend the bill as proposed, seconded by Senator Donovan, and the motion carried.

Senator Donovan moved to pass the bill out favorably as amended, seconded by Senator Haley, and the motion carried.

SB 110 - Criminal and civil penalties for unlawful acts relating to securities

The Chairman called upon Senator Schmidt to give the subcommittee's report on **SB 110**. Senator Schmidt gave an oral report and said that the proposed bill was brought to the Committee by the Securities Commissioner. He said it proposes to increase the criminal and civil penalties for violations of the Securities Act for commission of securities fraud. He stated that it would also provide the investigators, prosecutors with some additional tools for prosecution. Senator Schmidt related that the subcommittee reviewed the bill and was quite supportive of it, but did have a recommendation for an amendment to increase the civil penalties from a maximum of \$10,000 to a maximum \$25,000 which would be consistent with the Secretary of State's bills that were heard earlier this year. He said they also wanted to add language borrowed from the Consumer Protection Act and was included in the proposed amendment submitted. (Attachment 1)

Committee discussion followed regarding the fiscal note and bed space impact. Senator Schmidt moved to adopt the subcommittee's amendment, seconded by Senator Donovan, and the motion carried.

Senator Donovan made a motion to recommend the bill favorably as amended. The motion was seconded by Senator Schmidt, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on February 25, 2003 in Room 123-S of the Capitol.

SB 206 - One year time limitation on writs of habeas corpus

Chairman Vratil reviewed **SB 206**, and explained the proposed balloon amendment submitted by the Office of Attorney General. The amendment called for striking the words “at any time” on page 1, line 21, and replacing those words with “, pursuant to the time limitations imposed at paragraph (f)”.
(Attachment 2)

Senator Schmidt made a motion to adopt the proposed amendment, seconded by Senator Oleen, and the motion carried. Senator Pugh requested his vote be recorded as no.

Senator Schmidt moved the bill be passed out favorably as amended, and seconded by Senator Goodwin. Committee discussion followed. The Chair called for a vote on the motion, and the motion carried.

SB 188 - Amending the No-Call Act to include the FTC No-Call list

Chairman Vratil reviewed **SB 188**, and discussion involved possibly amending the bill regarding cellular phone numbers that were referenced within this proposed legislation.

Senator Goodwin made a motion to amend SB 188 to show that all reference top all phone numbers be deleted from the bill. The motion was seconded by Senator Schmidt. After Committee discussion, the Chair called for a vote on the motion, and the motion carried.

The Chairman explained that the bill did two other things: (1) if the Federal Trade Commission establishes a No-Call list it would allow the Kansas No-Call list to be transferred to the Federal No-Call list, and (2) it would also remove the Kansas No-Call list from a designation of a Public Record. He further clarified how these provisions would work if they were approved.

Senator Schmidt stated he supports the bill, but the second amendment would open up many questions and therefore would like to table the bill at this time. Senator Schmidt made a motion to table the bill, seconded by Senator Donovan, and the motion carried.

SB 111 - Presumed imprisonment at minimum security correctional facility for certain persons convicted on burglary and construction of additional housing therefor

Chairman Vratil asked Senator Schmidt to address this bill and explain its provisions. He said the idea was to create some limit, and it adds a component regarding prison beds. He said there was a provision included that would authorize the construction of minimum security beds in the state. He briefly reviewed the fiscal note on **SB 111** which indicated facilities at Winfield and Larned could be converted to minimum security space at a lower cost. He stated that this bill was an alternative for adding medium security capacity. Senator Goodwin spoke in opposition of the bill, and felt public policy should not be going in that direction. Senator Umbarger said he didn't think this alternative would usurp the Department of Corrections.

After further discussion and comments, Senator Schmidt made a motion to pass SB 111 favorably, seconded by Senator Umbarger, and the motion carried.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is March 5, 2003.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on February 25, 2003 in Room 123-S of the Capitol.