

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:39 a.m. on February 19, 2001 in Room 123-S of the Capitol.

All members were present except: Sen. Adkins (excused)

Committee staff present:

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

Conferees appearing before the committee:

E. Dean Carlson, Secretary of Transportation

Others attending: see attached list

Minutes of the February 15th meeting were approved on a motion by Senator Schmidt, seconded by Senator Haley. Carried.

SB 27–Corrections; re: transfer of offenders

Following review of **SB 27**, the Chair offered the following amendment: add “a correctional institution designated by the DOC” on pg 1 line 19 after the word “unit” and delete the remainder of that line as well as lines 20 and 21; on pg 2 line 2 after the word “to” and delete the rest of that line through line 3 up to the word “until”; on pg 2 line 4 after the word “to” and delete the remainder of line 4 as well as lines 5 and 6; and on pg 2 line 8 after the word “to” and delete the remainder of line 8 as well as lines 9 and 10 up to the word “as”. Also on pg 1 lines 33-35 leave in “a correctional institution designated by the secretary of corrections.....subject to the provision of”... deleting the phrase on line 34 “the Topeka correctional facility.” Wherever the word “institution” appears in the bill, it should be replaced with the word “facility.” Senator Donovan seconded. Carried Senator O’Connor offered another amendment as recommended by the DOC as follows: insert at the end of sentence on pg 2 line 12 “provided, that if the record of the offender’s trial and conviction causes the sheriff to believe that the offender has fully served both the prison portion and postrelease supervision obligation of the sentence or sentences imposed, the sheriff may provide certified copies of the record to the secretary of corrections prior to the sheriff’s conveyance of the offender. If the secretary determines that the offender’s sentence has been fully served, the secretary shall cause the issuance of a certificate of discharge of the offender from the sentence or sentences. The issuance of a certificate of discharge shall relieve the sheriff of the obligation to convey the offender to the secretary pursuant to the record of the offender’s trial and conviction.” Senator Oleen seconded. Carried. Senator Oleen moved to pass the bill out favorably as amended, Senator O’Connor seconded. Carried.

SB 30–wills, trusts and other instruments; re: invalidity of certain provisions, exceptions

The Chair reviewed **SB 30** and Committee discussed two amendments which had been offered. Following discussion Senator Goodwin moved to amend the bill to delete New Section 2 on pg 1 and on pg 1 line 26 strike the word “and” and add the word “or”, Senator Schmidt seconded. Carried. Senator Donovan moved to pass the bill out favorably as amended, Senator Goodwin seconded. Carried.

SB 36–agriculture; re: destruction of field crops; damages

Senator Schmidt reviewed **SB 36** and distributed a copy of a proposed substitute bill for **SB 36** which he explained would amend existing law relating to animals and destruction of field crops rather than creating a new law as in **SB 36**. Following discussion Senator Schmidt moved to amend **SB 36** by substituting **Substitute for SB 36**. Senator Umbarger seconded. Carried. Senator Schmidt moved to pass the bill out favorably as amended, Senator Umbarger seconded. Carried.

SB 75–joint committee on state-tribal relations

The Chair reviewed **SB 75**. Following discussion Senator Oleen made a conceptual amendment to insert in **SB 75** the phrase... “ranking minority member of whichever chamber chairs the joint committee.” Senator Goodwin seconded. Carried. Senator Goodwin moved to pass the bill out favorably as amended, Senator Umbarger seconded. Carried.

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

Committee discussed **SB 76** and there was consensus to address the bill at tomorrow’s meeting.

SB 95–enacting the interstate compact for adult offenders supervision

Senator Goodwin reviewed **SB 95** and Committee discussed pertinent issues in the bill relating to joining the compact. Senator Goodwin moved to pass the bill, Senator Vratil seconded. Motion failed.

SB 172–regulating traffic; child passenger safety seats and safety belts

The Chair reviewed **SB 172**. Following discussion Senator Oleen moved to: delete Section 4 of the bill; retain the provisions in the bill pertinent to children under the age of 14 years; delete the provision in the bill making failure by adults to wear a seat belt a primary offense; and increase the fine for violating the seat belt law from \$10 to \$25, Senator Schmidt seconded Carried. Senator Oleen moved to pass the bill out as amended, Senator Donovan seconded. Carried.

SB 67– re: DUI; concerning penalties

Secretary of Transportation Carlson very briefly described serious funding considerations attached to the Committee’s decision to remove the .02 requirement from **SB 67** when it was amended and passed out of Committee on February 13th. ([attachment 1](#))

The meeting adjourned at 10:32 a.m. The next meeting is February 20, 2001.