

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:35 a.m. on January 15, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Jerry Donaldson, Kansas Legislative Research Department  
Athena Andaya, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Toni Wellshear, Member, AARP Kansas Executive Council  
Lee Everett Urban, Assistant Attorney General, Kansas  
Ed Brancart, Office of the District Attorney, Wyandotte County

Others attending:

See attached list.

The Chairman opened the hearing on **SB 6 - Professional fund raisers; required disclosures.**

Jason Thompson, staff revisor, provided an overview of the bill.

Senator Derek Schmidt spoke in support, indicating the proposed bill is aimed at making sure Kansans know where their money is going when approached by telephone solicitation. The bill would require telephone solicitors to disclose how much of each dollar donated actually goes to the charity (Attachment 1).

Toni Wellshear appeared in support, stating the proposed legislation would protect Kansans from unscrupulous marketers and solicitors that often target older people. Ms. Wellshear believes consumers need to have the best information available in order to best manage their resources (Attachment 2).

Lee Urban provided neutral testimony stating concern by the Attorney General's Office that **SB 6** is likely to be deemed unconstitutional based on a Supreme Court ruling Riley v. National Federation of the Blind of North Carolina, Inc., 487 U.S. 781 (1988). The bill requiring disclosure of the percentage of gross receipts that goes to charity before asking for a donation, compels speech. Mr. Urban suggested working with Senator Schmidt and interested parties to craft amending language to accomplish the underlying goal of the legislation (Attachment 3).

Written testimony in support of **SB 6** was submitted by:

Douglas C. Tank (Attachment 4)

There being no further conferees, the hearing on **SB 6** was closed.

The hearing on **SB 19 - Concealed weapons; U.S. attorneys, county and district attorneys and assistants** was opened.

Senator Derek Schmidt spoke in support as sponsor of the bill indicating that prosecutors deal with the same group of often-unsavory characters as law enforcement officers. They have personal safety issues above those of the average citizen and this bill would provide an avenue of protection similar to that for law enforcement officials. Senator Schmidt indicated there would be a higher level of training required than what is required for normal concealed carry permits (Attachment 5).

Ed Brancart appeared in support, suggesting that two separate training requirements places a burden on prosecutors that does not exist with other public servants. He suggested a prosecutor-specific training course and that prosecutors should not bear the cost of such training (Attachment 6).

Written testimony in support of **SB 19** was submitted by:

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on January 15, 2009, in Room 545-N of the Capitol.

Richard Delonis, President, national Association of U.S. Attorneys (Attachment 7)  
Thomas R. Stanton, Deputy, Reno County District Attorney (Attachment 8)

There being no further conferees, the hearing on **SB 19** was closed.

The next meeting is scheduled for January 16, 2009.

The meeting was adjourned at 10:30 a.m.