

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Vice-Chairman Derek Schmidt at 9:37 a.m. on February 10, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator Dwayne Umbarger- excused

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

Conferees appearing before the committee:
Whitney Damron, Kansas Bar Association
Judge Phil Journey
Kathy Porter, Office of Judicial Administration

Others attending:
See attached list.

The Chairman opened the hearing on **SB 156 - Close corporations; increasing the limit on the number of stockholders in a close corporation.** Jason Thompson, staff revisor, reviewed the bill.

Whitney Damron testified in support indicating the bill would coordinate the number of allowable members in a close corporation from 30 to 35 to conform with other Kansas statutes. (Attachment 1)

There being no other conferees, the hearing on **SB 156** was closed.

The Chairman opened the hearing on **SB 157 - Driver improvement clinics, fees, disposition thereof; correctional services special revenue fund.**

Judge Phil Journey appeared as a proponent stating the bill would authorize the Division of Vehicles under the Department of Revenue to establish driver improvement clinics throughout the state. Persons whose driving privileges are subject to suspension due to three or more moving violations within a 12 month period may retain their driving privileges by attending a driver improvement clinic. Fees for driver improvement clinics are not to exceed \$500 of which half would be credited to the Division of Motor Vehicles Operating Fund and the other half credited to the Department of Corrections for the sole purpose of providing substance abuse treatment in Kansas Correctional Facilities. (Attachment 2)

Written testimony in support of **SB 157** was submitted by:
Roger Werholtz, Secretary, Kansas Department of Corrections (Attachment 3)

There being no other conferees, the hearing on **SB 157** was closed.

The Vice-Chairman suggest the Committee return to consideration of **SB 156**. There was no objection.

Senator Bruce moved, Senator Donovan seconded, to recommend **SB 156** favorably and place it on the Consent Calendar. Motion carried.

The Vice-Chairman opened the hearing on **SB 158 - Allowing offenders in violation of a traffic citation to be issued a restricted driver's license.**

Judge Phil Journey appeared in support stating the bill amends the current statute on failure to comply with a traffic citation to allow a restricted license to eligible drivers. The restricted license would have an application fee of \$25 and would be valid for up to one year or until compliance with the traffic citation. The restrictions include:

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- to and from work or school,
- in the course of employment,
- during a medical emergency, and
- to and from probation or parole meetings, drug or alcohol counseling or any place the driver is ordered to go by the Court. (Attachment 4)

Kathy Porter provided neutral testimony regarding the mechanics and the potential fiscal impact of the bill. Concerns raised included: a lack of specific language to indicate where the driver submits and pays the application fee, clarification stating the application fee is in addition to reinstatement fees, and clarification on the disbursement of collected fees. (Attachment 5)

There being no other conferees, the hearing on **SB 158** was closed.

The Vice-Chairman called for final action on **SB 15 - Court ordered custody to commissioner of juvenile justice**. Jason Thompson, staff revisor, reviewed the bill.

Following questions from the committee J. Russ Jennings, Commissioner, Juvenile Justice Authority, requested the bill be referred to an interim committee for further review.

Senator Donovan moved, Senator Schodorf seconded, to recommend the Chairman request an interim study on SB 15. Motion carried.

The Vice-Chairman called for final action on **SB 95 - Trafficking in contraband in a correctional institution or treatment care facility**. Senator Schmidt reviewed the bill.

Senator Owens assumed Chair of the meeting.

Senator Vratil moved, Senator Donovan seconded, to amend SB 95 on page 1, lines 28-29, by striking "Correctional institution does not include any parking lot open to the public" and on page 1, lines 34-35, striking "Care and treatment facility does not include any parking lot open to the public". Motion carried.

Senator Schmidt moved, Senator Schodorf seconded, to recommend SB 95 as amended, favorably for passage. Motion carried.

The next meeting is scheduled for February 11, 2009.

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