

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil upon adjournment of the Senate at 10:03 a.m. on March 7, 2003, in Room 531-N 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:

Gerald Goodell, Kansas Judicial Council
Jim Keating, President Kansas State Firefighter Association
John Lloyd, President Kansas State Fire Chiefs Association (written only)
Casey McCoy, Kansas Forrest Service
David Lake, Board of Emergency Medical Services
Representative Tom Sloan (written only)
Erik Sartorius, City of Overland Park (written only)
Danielle Noe, Intergovernmental Relations Manager, Johnson County Board of Commissioners
Stuart Little, Kansas Community Corrections Association (written only)

Others attending: see attached list

HB 2034 - Kansas power of attorney act

Chairman Vratil opened the hearing on **HB 2034**. Gerald L. Goodell, on behalf of the Kansas Judicial Council, testified in support of **HB 2034**, and said that this bill deals only with the traditional durable power of attorney for business purposes. He said that the Missouri Power of Attorney Act was used as the basis for the drafting of the new Kansas Act. In his written testimony he detailed the differences between the proposed new act in **HB 2034** and the existing Kansas act. His testimony also included copies of the current statutes that are proposed to be repealed. Mr. Goodell also pointed out some clerical errors that should be corrected on pages 3, 7, and 14. The Chair went over the changes that were made by the House Judiciary Committee on page 6 carrying over to page 7 and also on pages 18 and 19 regarding the soldiers and sailors civil relief act. Mr. Goodell stated that the Judicial Council was supportive of the changes. (Attachment 1)

After further discussion and questions, Chairman Vratil closed the hearing on **HB 2034**.

HB 2068 - Tort claims liability; immunity; fire control and rescue equipment

The Chair opened the hearing on **HB 2068**. Jim Keating, President of the Kansas State Firefighters Association, spoke in support of **HB 2068**. He explained the bill simply sets up a standard means for a fire department to donate usable equipment to another department and limits the liability that could be involved with such a transaction. He said the formal administration of this program would be handled by the Kansas Forest Service, and there is no cost to this bill. He explained a couple of simple amendments that were added when the bill was in the House Judiciary Committee. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 7, 2003 in Room 123-S of the Capitol.

Casey McCoy, Rural Fire Coordinator, Kansas Forest Service, testified in support of **HB 2068**. He told the Committee about a similar program in Texas. He stated that many of the fire departments that utilize excess property would not have the ability to provide the level of protection they currently offer without that program. He explained that the Federal Excess Property Program (FEPP) enables them to acquire excess military vehicles and equipment and loan them to rural fire departments. He said that this program would be a valuable supplement to FEPP. (Attachment 3)

John M. Lloyd, President, Kansas State Association of Fire Chiefs, submitted written testimony in support of **HB 2068**. (Attachment 4)

David Lake, Administrator of the Kansas Board of Emergency Medical Services, appeared before the Committee in support of **HB 2068**. He stated that this bill would limit the liability for the donation of certain equipment to a fire department, fire district, volunteer fire department, a medical emergency response team, or the Kansas Forest Service if the donor or donee believes the equipment is serviceable or may be made serviceable and the donee maintains the donated equipment in a safe and serviceable manner. (Attachment 5)

Written testimony was submitted by Representative Tom Sloan in support of **HB 2068**. (Attachment 6)

Erik Sartorius, City of Overland Park, submitted written testimony in support of **HB 2068**. (Attachment 7)

After brief questions and discussion regarding the language on page 2 which expanded the definition of "employee", the Chairman closed the hearing on **HB 2068**.

HB 2089 - Juvenile corrections advisory boards; county commissioners shall appoint at least 3 but not more than 6 additional members

Chairman Vratil opened the hearing on **HB 2089**. Danielle Noe, testified on behalf of the Johnson County Board of Commissioners, in support of this bill. She stated that this bill does two things, one of which corrects a technical error, and the other would be a policy change of allowing the Board of County Commissioners to appoint three additional members to the Juvenile Corrections Advisory Board (JCAB). She said that the additional appointments would be representative of public or private social service agencies, ex-offenders, healthcare professions, and the general public. She said there is not a cost to the addition of 3 positions since it is done in a voluntary capacity. (Attachment 8)

Written testimony was submitted by Stuart Little on behalf of the Kansas Community Corrections Association in support of **HB 2089**. (Attachment 9)

Following brief questions and discussion, the Chairman closed the hearing on **HB 2089**.

The meeting adjourned at 11:15 a.m. The next scheduled meeting is March 10, 2003.