

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:38 a.m. on February 12, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Les Donovan- 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:

Daric Smith, Staff Attorney, Kansas Department of Health and Environment

Donna Calabrese, Director, Office of Vital Statistics

Irv Hoffmann, President, Kansas Silver Haired Legislators

Kent Cornish, Kansas Association of Broadcasters

David Schroeder, Special Agent in Charge, Kansas Bureau of Investigation

Others attending:

See attached list.

The Chairman opened the hearing on **SB 154 - Civil procedure, habeas corpus, infectious disease.**

Daric Smith testified in support indicating the bill amends K.S.A. 60-1505 on summary proceedings in a habeas corpus action to delete the provision requiring a judge to appoint a board of at least two competent physicians to make an examination of any person restrained because of an alleged infectious or communicable disease. It is a clean up of a statute that was overlooked when the new isolation & quarantine statutes were adopted in 2005. (Attachment 1)

Written testimony in support of **SB 154** was submitted by:

Randy Mettner, Executive Officer to the Adjutant General (Attachment 2)

Judge James F. Vano, District Judge, 10th Judicial District (Attachment 3)

There being no further conferees, the hearing on **SB 154** was closed.

The Chairman opened the hearing on **SB 155 - Center for health and environmental statistics employees; fingerprinting, criminal history record checks.**

Donna Calabrese appeared in support stating vital records contain confidential and sensitive information which can be used for fraudulent purposes. **SB 155** will help provide reasonable security for internal access of documents within the Department of Health and Environment by allowing a criminal history check based on a fingerprint search of certain employees. (Attachment 4)

There being no further conferees, the hearing on **SB 155** was closed.

The Chairman opened the hearing on **SB 148 - Kansas silver alert plan.** Senator Haley reviewed the bill.

Irv Hoffmann appeared in support stating as the population ages it is important to protect citizens with cognitive impairments who are lost. The Kansas Silver Alert Program would provide public notice of a missing elderly person. The bill authorizes but does not mandate a prompt broadcast or a timely search based on a plan to be implemented by the Kansas Attorney General's Office. (Attachment 5)

Kent Cornish provided neutral testimony indicating support of the bill provided it remains a voluntary measure based on requests from law enforcement. (Attachment 6)

David Schroeder provided neutral testimony on behalf of the Kansas Bureau of Investigation. (Attachment 7)

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:38 a.m. on February 12, 2009, in Room 545-N of the Capitol.

There being no further conferees, the hearing on **SB 148** was closed.

The Chairman called for final action on **SB 28 - Transportation of controlled substances; same penalty as open container of liquor.**

Senator Schmidt distributed a draft substitute bill addressing the language concern regarding the merger issue brought up following an earlier discussion of the bill (Attachment 8)

Senator Schmidt moved, Senator Umbarger seconded, to amend **SB 29** by striking the contents and inserting the substitute language in the distributed draft as **Sen Sub 29**. Motion carried.

Senator Schmidt moved, Senator Schodorf seconded, to recommend **Sub SB 29** favorably for passage. Motion carried.

The next meeting is scheduled for February 13, 2009.

The meeting was adjourned at 10:31 a.m.