

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:39 a.m. on February 20, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Senator Jim Barnett
Marilyn Scafe, Kansas Parole Board (KPB)

Others attending: see attached list

The minutes of the February 19th, 2002 meeting were approved on a motion by Senator O'Connor, seconded by Senator Donovan. Carried.

Reconsideration of:

SB 432—restricting the transportation of nonsibling minor passengers by certain drivers

Senator Barnett reviewed a statistical report on teenage driver accidents and deaths and stated he had asked for a reconsideration of **SB 432**. Following a lengthy discussion, the Committee decided that the amendment referencing church attendance and church sponsored activities is intended to include religious activities and facilities of all faiths. Senator Haley moved to pass the bill out favorably as amended, Senator O'Connor seconded. Carried 6-5 with Senators Gilstrap, Pugh, Oleen, Goodwin, and Schmidt requesting their nay votes be recorded. (attachment 1)

Final action on:

SB 491—Kansas tort claims act; re: definitions

Following the Chair's brief review of SB 491, Senator O'Connor made a motion that the bill be passed out favorably and placed on the consent calendar, Senator Donovan seconded. Carried.

SB 492—relating to the right of aliens to inherit or transmit real property

Following a review of SB 492 by the Chair and brief discussion, Senator Adkins moved to pass the bill out favorably, Senator Goodwin seconded. Carried.

SB 493—concerning railroad employees; re: accidents; drug testing of train crew members

Senator Adkins reviewed the subcommittee report on **SB 493** (see 2-18-02 minutes) and referenced written testimony from a proponent of the bill.(attachment 2) He discussed problems with the bill which came to his attention following the subcommittee meeting. Since changing the bill to allow testing in the event of an accident is contrary to federal regulations there was general consensus to take no action on it.

SB 464—furnishing of alcoholic liquor or cereal malt beverage to a minor

The Chair reviewed **SB 464** and discussed an amendment to the bill which was previously passed by Committee.(see 2-14-02 minutes) Senator Donovan moved to pass the bill out favorably as amended, Senator Adkins seconded. Carried.

SB 136—civil; re: wage garnishment; assignment of account

Following a subcommittee report on **SB 136** by Senator Adkins and discussion, Senator Donovan moved to amend the bill to include technical amendments required on a carry over bill and report the bill out favorably as amended, Senator O'Connor seconded. Motion failed.

SB 174—juvenile offenders; re: detention; responsibility and payment of expenses; juvenile detention

fund

Following a review of **SB 174** by the Chair, a subcommittee report by Senator Adkins, and discussion, Senator Oleen moved to refer the bill and the concept embodied therein for an interim study by the Joint Committee on Corrections and Juvenile Justice, seconded by Senator Goodwin. Carried.

SB 265—residential landlord/tenant act; notice of termination of tenancy

Following a review of **SB 265** by Senator Schmidt and discussion, Senator O'Connor moved to amend the bill to make it clear that only one 3 day notice is needed for eviction, Senator Pugh seconded. Carried. (attachment 3) Senator Schmidt moved to pass the bill out favorably as amended, Senator Oleen seconded. Carried. Senator Haley requested his nay vote be recorded.

SB 335—re: parole and the Kansas parole board

The Chair reviewed **SB 335**. No action was taken on the bill.

SB 339—persons in custody of DOC; re: early medical release

Senator Schmidt reported that the subcommittee did not consider nor take action on **SB 339**. Conferee Scape, at the request of the Chair, presented a brief summary of the bill and discussed several procedural problems noted by the KPB.(attachment 4) Following discussion, Senator Oleen made a motion to recommend the bill be placed below the line on the calendar, Senator Haley seconded. Following further discussion Senator Oleen withdrew her motion and Senator Haley withdrew his second with the understanding that the DOC's suggested amendments and bill will be looked at after turnaround.

The meeting adjourned at 10:33 a.m. The next scheduled meeting is February 21, 2002.