

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on March 5, 2003, in Room 123-S of the Capitol.

All members were present except: Senator Haley (E)

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:

Jeremy Anderson, Governor's Office
Judge Karen Arnold-Burger, Municipal Court, Overland Park
Mary Moss, Overland Park Court Services
Kathleen Rieth, Johnson County Court Services
Sgt. Chris Kostelac, Overland Park Police Department
Sgt. La Vern Fields, School Resource Officer for Olathe Police Dept.
Debra Miller, Secretary of Kansas Department of Transportation (written only)
Wanda Stewart, State Chairperson for Kansas MADD (written only)
Sue Dickey, City Prosecutor, City of Olathe (written only)
Johnson County Drug and Alcohol Advisory Board (written only)
Dennis and Linda Beaver (written only)
Sally Pritchett, Director, Kansas Real Estate Appraisal Board
Susan Linn, Executive Director of the State Board of Pharmacy

Others attending: see attached list

SB 195 - Kansas Parole Board; membership reduced to three

Chairman Vratil opened the hearing on **SB 195**. Jeremy Anderson testified on behalf of the Governor in support of **SB 195** which will reduce the membership of the Kansas Parole Board from four members to three. He explained that the bill would also amend the number of votes required to grant parole for Class A or Class B felons, or for off-grid crimes committed on or after July 1, 1993. He stated that passage of this bill would result in expenditure savings of \$58,000 from the State General Fund in FY 2003, and \$117,000 in FY2004 and every subsequent year. (Attachment 1)

Committee discussion followed, with question being raised if the number of persons were reduced on the parole board to three then there would be a need to have two to have a majority so subsection (b) would not be necessary and could be eliminated.

The Chair closed the hearing on **SB 195**.

SB 197 - Alcoholic beverages; furnishing to and consumption by persons under age 21

The Chair opened the hearing on **SB 197**. Judge Karen Arnold-Burger, Presiding Judge, Overland Park Municipal Court, testified in support of **SB 197**. She explained that the bill eliminates the exception in

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the law for parents to provide 3.2% beer to their own children, and it provides enhanced driver's license penalties for multiple offenders. She stated that the passage of this bill would send a message to kids that consequences for their behavior will escalate if they continue down the path they have started. (Attachment 2)

Following Committee discussion and questions, the Chair called upon Conferee Moss who testified in support of **SB 197** on behalf of the Johnson County STOP Underage Drinking Project. She said it was imperative that children and families are educated about the dangers associated with under age drinking, and that education goes hand in hand with the active enforcement of underage drinking laws. (Attachment 3)

Senator Donovan referred to fiscal note on **SB 197** which said it was not know whether passage of this bill would cause a fiscal effect on the Judiciary, but in his opinion there definitely would be a fiscal impact with increased criminal prosecution of parents and legal guardians who provided the alcohol. (Attachment 4)

Kathleen Rieth submitted written testimony on behalf of the 10th Judicial District-Court Services in support of **SB 197**. (Attachment 5)

Conferee Kostelac, supervisor of the Overland Park Police Department's D.A.R.E. and School Resource Officers, testified in support of **SB 197**. He stated that underage drinking is a constant and continuing problem. He explained about the grant from the Kansas Department of Transportation that he administers which is designed to enforce the underage drinking laws and reduce the consumption of intoxicating liquor by persons under 21 years of age. He said the grant focuses on three areas: enforcement, education and effecting change in societal attitudes and norms. He stated that two of the three areas have been successful, but they have not had a significant impact in the area of effecting change in societal attitudes and norms as it is a very cyclic problem. (Attachment 6)

Sgt. La Vern Fields with the Olathe Police Department and current supervisor of the School Resource Officer Program, spoke in support of **SB 197**. He related some recent experiences with the underage drinking issues with the Olathe community and Police Department. He encouraged the Committee to help detour the use of 3.2% beer. (Attachment 7)

Written testimony was submitted in support of **SB 197** by:
Sue Dickey, City Prosecutor, City of Olathe (Attachment 8)
Kansas Department of Transportation (Attachment 9)
Wanda Stewart, State Chairperson for Kansas MADD (Attachment 10)
Johnson County Drug and Alcohol Advisory Board (Attachment 11)
Dennis and Linda Beaver , son killed by a drunk driver (Attachment 12)

Following committee discussion and comments with concerns expressed about increasing the penalties and social engineering, the Chair closed the hearing on **SB 197**.

SB 229 - Real estate appraisal board; subpoena power

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Chairman Vratil opened the hearing on **SB 229**. Sally Pritchett, on behalf of the Kansas Real Estate Appraisal Board, testified in support of **SB 229** which requests investigative subpoena authority to assist in the process of gathering information necessary when investigating complaints. She explained that this bill would allow the Board to subpoena necessary information regarding an investigation where currently the Board may only "request" such information. She gave examples of where this investigative subpoena authority would have been beneficial. (Attachment 13)

After brief questions, the Chair closed the hearing on **SB 229**.

SB 243 - Uniform controlled substances act schedule IV substances

Chairman Vratil opened the hearing on **SB 243**. Susan Linn, Director for the Kansas State Board of Pharmacy appeared before the Committee on behalf of the Board of Pharmacy to request that the Committee support changes to the Kansas Controlled Substances Act that will reflect changes already enacted by the Uniform Controlled Substances Act. She explained the statute change regarding the drug dichloralphenazone which was changed federally in 2002. (Attachment 14)

The meeting adjourned at 10:30 a.m. The next scheduled meeting is March 6, 2003.