

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on January 29, 2008, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen- excused
Donald Betts- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Chief Duane Banzet, Neodesha Fire Department
Dan McLaughlin, State Fire Marshal
Robert Waller, Chief Administrator, Board of Emergency Medical Services
Russell Walter, Chairman, Burton Consolidated Fire District #5
Chief Gary Curmode, Sedgwick County Fire Department
Chief Richard Maginot, Soldier Township, Shawnee County

Others attending:

See attached list.

Senator David Wysong and Senator Reitz requested introduction of a bill on a statewide smoking ban and associated penalties. Senator Bruce moved, Senator Schmidt seconded, to introduce the bill. Motion carried.

Senator Derek Schmidt requested introduction of a bill to create an office of consumer protection with the Kansas Corporation for landowners in dealings with oil and gas companies. Senator Schmidt moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

Senator Bruce requested introduction of two bills addressing the extension of the mandatory retirement age of judges. The second bill relates to procedures to fill bench vacancies created by resignations or retirements. Senator Bruce moved, Senator Lynn seconded to introduce the bills. Motion carried.

Tim Madden, Kansas Department of Corrections, requested introduction of two bills. The first bill would authorize the use of inmate labor to repair rental property damaged by a parolee tenant. The second bill relates to restriction on the admission of offenders with ten days or less remaining to be served. Senator Goodwin moved, Senator Donovan seconded to introduce both bills. Motion carried.

The Chairman opened the hearing on **SB 429–Crimes; battery on a firefighter.**

Chief Duane Banzet appeared in support, recounting his personal experiences with increased instances of assault and battery committed during performance of his duties as a firefighter (Attachment 1). Chief Banzet feels that assault against first responders should be a felony the same as it is for law enforcement.

Dan McLaughlin testified as a proponent, stating that fire fighting is a hazardous occupation and supports enactment of this bill (Attachment 2).

Robert Waller appeared as a proponent, stating that emergency medical services attendants (EMS) face many situations that could result in violent behavior (Attachment 3). Mr. Waller proposed that EMS personnel be included in **SB 429**. The Chairman requested Mr. Waller work with the revisor to create a balloon amendment for his proposal.

Russell Walter spoke in favor, relating personal experiences as a victim of violence during performance of his duties (Attachment 4). Mr. Wall encouraged the inclusion of all EMS providers, not just those certified, as well as independent rescue and first responders.

Chief Gary Curmode, appeared in support, stating all members of Kansas Fire Service and Kansas Emergency

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Medical Services have protection from assault as they perform their duties (Attachment 5).

Chief Richard Maginot spoke as a proponent, indicating firefighters often deal with people in stressful situations which can often turn violent (Attachment 6). Chief Maginot requested an amendment to include township and fire district firefighters. The Chairman requested he work with the revisor to create a balloon amendment for his proposal.

There being no further conferees, the hearing on **SB 429** was closed.

The hearing on **SB 430–Aggravated criminal threat, penalty** was opened.

Senator Bruce testified as sponsor of the bill indicting current law does not provide for economic loss on productivity as a result of criminal threats (Attachment 7). In addition, it is just as onerous to evacuate a house of worship or large gathering of people with no economic loss attached. Therefore, rather than base the severity level of the offense on economic loss, Senator Bruce feels it is appropriate to set the offense at a Severity Level 5 and allow restitution for economic losses to be decided by the court.

There being no further conferees, the hearing on **SB 430** was closed.

The Chairman called for final action on **SB 411–Factors affecting inmate's suitability for parole**. Senator Vratil reviewed the bill.

Senator Goodwin moved, Senator Schmidt seconded, to recommend SB 411 favorably for passage. Motion carried.

The Chairman called for final action on **SB 412–Health care; medical assistance repayment; discretionary trusts**. Senator Vratil reviewed the bill and noted additional written testimony from the Kansas Health Policy Authority (Attachment 8). Senator Journey suggested removing the proportionality section of the bill.

Senator Journey moved, Senator Schmidt seconded, to delete from SB 412 on page 6, lines 30, 31 and through the semicolon following the word incarceration on line 32. Motion carried.

Senator Journey moved, Senator Lynn seconded, to recommend SB 412 as amended, favorably for passage. Motion carried.

The meeting adjourned at 10:20 A.M. The next scheduled meeting is January 30, 2007.