

Approved: 5-2-2005
Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on March 22, 2005 in Room 241-N of the Capitol.

All members were present except:

Mike Peterson- absent
Kevin Yoder - excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

SB 151- Crimes of trafficking and aggravated trafficking

Chairman Loyd opened the hearing on **SB 151**.

Melinda Lewis, El Centro, Inc., submitted written testimony in support of the bill. (Attachment 1)

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence, (Attachment 2) Kevin Graham, Attorney Generals Office, (Attachment 3) and Kyle Smith, KBI, (Attachment 4) provided written testimony to support the language in **HB 2004** as amended by this committee and would strongly support the amendment of **SB 151** to reflect those changes.

Chairman Loyd closed the hearing on **SB 151**.

SB 151 - Crimes of trafficking and aggravated trafficking

Representative Decker made the motion to report **SB 151** favorably for passage. Representative Kelsey seconded the motion.

Staff provided a balloon with the amended language from **HB 2004** that the committee had already passed. (Attachment 5)

Representative Pauls moved the proposed amendment. Representative Owens seconded. The motion carried

Representative Pauls made the motion to report **SB 151** favorably as amended for passage. Representative Kelsey seconded the motion. The motion carried.

Chairman Loyd spoke to the committee regarding meth. **SB 27** does not deal with all the issues that are associated with meth, and the problems created by or encountered because of the presence and use of the drug. The chairman requested committee considering of and authority to introduce a committee bill which would include all the elements and components that need to be addressed:

- Mandated public policy for the use of statewide cleanup standards and procedures
- Prevention of property used for meth labs from being re-occupied until certified clean up has

been completed.

- Sellers of property to be required to disclose any meth lab previously located on the property.
- Local Law Enforcement required to notify KDHE about potentially contaminated property.
- Authorization for local entities to recover cleanup cost from the person(s) responsible for the waste or contamination.
- The creation of a revolving loan fund for communities to access for funds to correct or clean up meth labs.
- Requiring mandatory locking of anhydrous ammonia tanks or alternatively use of additives to anhydrous ammonia which may be developed commercially.
- The consideration of a tax credit which would be capped and would be available for purchase of locks for the nurse tanks or additives for the anhydrous ammonia.
- Development of a protocol for and funding of a study of treatment for meth addiction.
- A directive to KDOC and KDHA for a study and report on trends and long term impact on offender population from meth use.

If introduced the bill could be recommended for referral for an interim study this summer.

Representative Ward made the motion to authorize the Committee to have drafted and introduced a bill covering those items identified above. Representative Owens seconded the motion. The motion carried.

SB 27 - Unlawfully selling drug products containing Ephedrine or Pseudoephedrine, pharmacy controls; rebuttable presumption of intent if possession of more than nine grams

Representative Ward made the motion to report SB 27 favorably for passage. Representative Decker seconded the motion.

Representative Pauls moved the proposed amendment as provided by KBI. Representative Huntington seconded. The motion carried. (Attachment 6)

Representative Pauls moved the proposed amendment on page 5 and adding modified language provided by the revisor that was presented as an attachment with the KBI testimony. Representative Kelsey seconded. The motion carried. (Attachment 7)

Representative Ward moved an amendment on the same balloon on page 3 striking the language on line 19 after licensed pharmacist and new section 2 to read “or prescribed by a prescription”. Representative Kelsey seconded the motion. The motion carried.

Representative Horst moved the Loyd amendment that includes a new section 7; and section 9 to amend KSA 21-2501(a) Representative Decker seconded the motion. The motion carried. (Attachment 8)

Representative Huntington moved language that requires Section 9 (c) to read within 30 days to report the incident. Representative Ward seconded the motion. The motion carried.

Representative Crow moved language to clarify on tracking the substances not on schedule V (i.e. liquid form) and the tracking be the primary responsibility of the KBI. Representative Horst seconded the motion. The motion carried.

Representative Pauls made the motion to report SB 27 favorably for passage as amended. Representative Horst seconded the motion. The motion carried.

SB 72- Worthless checks, more than once in a seven-day period, increased penalty

Representative Roth made the motion to report SB 72 favorably for passage. Representative Sharp seconded the motion

Representative Swenson moved to amend in the provisions of SB 89 as presented to the committee. Representative Sharp seconded the motion. The motion carried.

Representative Swenson made the motion to report **SB 72** favorably for passage as amended . Representative Horst seconded the motion. The motion carried.

SB 89 – Payment of certain medical expenses of prisoners injured by a state officer or employee

Representative Kelsey moved to amend in the provisions of **HB 2231** as introduced. Representative Roth seconded the motion. The motion carried.

Representative Roth made the motion to report **SB 89** favorably for passage as amended. Representative Kelsey seconded the motion. The motion failed.

Sub for SB 77 – Racial profiling; requirements of law enforcement agencies; civil cause of action

Representative Faust Goudeau report sub **SB 77** favorably for passage. Representative Kelsey seconded the motion.

Staff provided a balloon that amends language on page 2 line 20 striking officers and inserting agencies, page 3 line 22 – 25 and 29, striking section c in its entirety. (Attachment 9)

Representative Faust Goudeau moved to adopt the balloon. Representative Horst seconded the motion. The motion carried.

Representative Pauls moved that Kansas Human Rights Commission be included in section 2. Representative Horst seconded the motion. The motion carried.

Representative Pauls moved to have gender be struck where ever it appears. Representative Horst seconded. The motion failed.

Representative Ward to change the Attorney General to Kansas Commission Peace Officers standards and training, old section c page 3. Representative Crow seconded the motion. The motion was withdrawn.

Representative Kelsey made the motion to report **Sub for SB 77** favorably for passage as amended. Representative Faust Goudeau seconded the motion. The motion carried.

The meeting was adjourned at 3:30 pm.