

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:35 a.m. on February 17, 2003, in Room 123-S of the Capitol.

All members were present except: Senator Oleen (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:  
Sheila Walker, Director of the Division of Vehicles

Others attending: see attached list

**SB 184 - Requires the posting of a person's name on a website when the person's driver's license has been revoked**

Chairman Vratil opened the hearing on **SB 184**. Conferee Walker testified as neutral, and stated whether problem drivers' names and addresses should be displayed on the Kansas Department of Revenue, Division of Vehicles' website, is a policy decision for the Legislature to make. She talked about the problems of some drivers convicted of violations under K.S.A. 8-252 through 8-255 (lines 23-27) in the proposed bill that may not even be what some consider to be "the worst of the worst" but who under this bill would have their names and addresses displayed on the website while habitual violators (under 8-285) and drivers convicted of DUI (8-1567 and 8-1567(a)) who names and address would not be displayed. She also pointed out that the public display of drivers' names and addresses may violate the federal Drivers' Privacy Protection Act. Ms. Walker added that the change is expected to increase her division's workload in handling the increased number of calls, but they have been instructed not to ask for an additional position given the current budget situation. (Attachment 1)

Having no other conferees appearing before the Committee, the Chairman closed the hearing on **SB 184**.

**Final Action on:**

**SB 25 - Sport shooting ranges; local regulation**

Chairman Vratil reviewed **SB 25**, and referred to Senator Emler's written testimony. In his testimony, Senator Emler explained the reason he introduced this bill was to clarify the intent of the Senate amendment to HB 2599 in the 2001 legislative session regarding the grandfather clause for sport shooting ranges already in existence and in compliance with local regulations.

Senator Allen questioned the mandatory compensation provision on page 3, lines 8 through 12, and who would determine the value of the real estate and economic loss. Senator Allen made a motion to amend by removing the mandatory compensation provision on lines 8 through 12 from SB 25, seconded by Senator Goodwin. Brief discussion followed. The Chair called for a vote on the motion, and the motion to amend failed.

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Further discussion followed, and the Chair directed the Committee's attention to the balloon revision of the bill offered by Senator Emler at the time of the hearing. (Attachment 2) Chairman Vratil explained the suggested amendments on pages 2 and 3. Senator Goodwin moved to make the amendments presented by Senator Emler, and seconded by Senator O'Connor. After brief discussion and clarification of the amendments, the Chairman called for a vote to amend **SB 25**. The motion carried.

Senator O'Connor made a motion to pass SB 25 our favorably as amended, seconded by Senator Goodwin, and the motion carried. Senator Pugh requested his no vote be recorded.

**SB 27 - Relating to alcohol and drug safety action education program requirements**

Chairman Vratil reviewed **SB 27**, and directed the Committee's attention to the proposed amendment requested by Dan Hermes. The Chair explained that the amendment came about because at the time of the hearing on this bill there was concern expressed regarding the fiscal note of approximately \$74,000 for SRS to certify drug and alcohol safety education programs. He clarified that the amendment would allow SRS to have a surcharge to cover the expenses in certifying those programs so that there would be a result of a neutral fiscal note. (Attachment 3)

After brief discussion, Senator Donovan moved to amend the bill as recommended by Mr. Hermes, seconded by Senator Umbarger, and the motion carried to amend.

Senator Goodwin made a motion to recommend the bill favorably as amended, seconded by Senator Allen, and the motion carried.

**SB 54 - Creating the crime of negligent homicide**

Chairman Vratil reviewed **SB 54**. Senator Schmidt stated that he had researched which states currently have negligent homicide laws and included, Connecticut, Texas, Alaska, Montana, Louisiana, New Hampshire, Tennessee, Alabama, and North Dakota with similar language that the proposed bill contained. He added that the same concept and similar language exists in the Uniform Code of Military Justice.

The Chair pointed out to the Committee that there was a fiscal note on **SB 54** of \$108,000 that comes from the Board of Indigents' Defense Services and they estimate there would be 12-15 cases per year where council would have to be appointed for indigent defendant. There is also a bed space impact from the Kansas Sentencing Commission of one additional bed per year. (Attachment 4)

Chairman Vratil explained the amendment that was submitted by the Christian Science Committee on Publication for Kansas which would add a new subsection (d) to indicate that providing spiritual treatment through prayer alone, in lieu of medical treatment, does not constitute criminal negligence as defined in subsection (c). Committee discussion followed with Senator Schmidt commenting that the Christian Science language was not provided in any of the other states who had a negligent homicide law.

Senator Schmidt made a motion to pass SB 54 favorably, seconded by Senator Umbarger. After considerable discussion with questions and concerns expressed by Committee members, Senator Schmidt made a substitute motion to take no action on this bill and request it be referred for interim study. The

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motion was by Senator Umbarger, and the motion carried.

The minutes of the February 5, 6 and 7 meetings were approved on a motion by Senator Donovan, seconded by Senator Goodwin, and the motion carried.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is February 18, 2003.