

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on March 25, 2003 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Revisor of Statutes

Cindy O'Neal, Committee Secretary

**SB 48 - appeal bonds in litigation involving signatories or successors of the tobacco litigation agreement.**

Representative Newton made a motion to expand the bill to include all companies in which punitive damages and/or damages in class action lawsuits have been awarded. Representative Long seconded the motion. Representative Rehorn was concerned that it didn't apply to all appellants. With permission of the second Representative Newton amended his motion to change "companies" to "appellants". Representative Rehorn believed that the statute already exist which places limits at \$5 million on bonds. Representative Newton, with permission of the seconded, amended his motion to make it clear that all appellants in which punitive damages and/or damages in class action lawsuits have been awarded, the bond would not exceed \$5 million. The motion failed 7-9.

Representative Davis made the motion to amend the bill to codify that appellant courts would have discretion to lower bonds. Representative Williams seconded the motion. The motion failed.

Representative Patterson made th motion to cap the bond for punitive damages at \$25 million in a class action suits. Representative Long seconded the motion. The motion failed 7-9.

Representative Newton made the motion to report SB 48 favorably for passage. Representative Long seconded the motion. The motion failed 6-10.

**SB 91 - law enforcement training center, qualifications and officer training requirements**

Representative Loyd made the motion to report SB 91 favorably for passage. Representative Jack seconded the motion. The motion carried.

**SB 206 - one year time limitation on writs of habeas corpus**

Representative Long made the motion to report SB 206 favorably for passage. Representative Patterson seconded the motion. The motion carried 9-8.

**SB 110 - criminal & civil penalties for unlawful acts relating to securities**

CONTINUATION SHEET

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Representative Long made the motion to adopt the Kansas Sentencing Commission recommendations making the severity levels uniform with the sentencing guidelines (Attachment 1). Representative Davis seconded the motion. The motion carried.

Representative Klein made the motion to adopt the proposed amendment by the Kansas Securities Commission amending in variable annuities. (Attachment 2). Representative Pauls seconded the motion. The motion failed.

Representative Long made the motion to report **SB 110** favorably for passage, as amended. Representative Goering seconded the motion. The motion carried.

**HB 2418 - delay of phased in increase of court of appeals to 14 judges**

Representative Loyd made the motion to reconsider the committees action on **HB 2418**. Representative Davis seconded the motion. The motion carried.

Representative Loyd made the motion to amend the bill to have the judicial branch budget submitted directly to the Division of Budget so it would be included in the printed version of the budget books.(Attachment 3) Representative Jack seconded the motion. With permission of the second Representative Loyd amended his motion to include amending K.S.A. 75-3718 & K.S.A. 75-3721 to state that the Director can not revise the budget request from the Judiciary. The motion carried.

Representative Loyd made the motion to report **HB 2418** favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 p.m.