

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 26, 2008 in Room 313-S of the Capitol.

All members were present except:

Annie Kuether- excused
Kay Wolf - excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

HB 2188 - professional screening panel

The balloon provided to the committee represents a compromise between the opponents and proponents of the bill. (Attachment #1)

Representative Watkins made the motion to report HB 2188 favorably for passage. Representative Pauls seconded the motion.

Representative Watkins made the substitute motion to adopt the proposed balloon. Representative Pauls seconded the motion. The motion carried.

Representative Watkins made the motion to report HB 2188 favorably for passage, as amended. Representative Pauls seconded the motion. The motion carried.

HB 2620 - state board of healing arts, non-disciplinary resolutions

Representative Colloton made the motion to report HB 2620 favorably for passage. Representative Whitham seconded the motion.

Representative Pauls made the substitute motion to amend in the provisions of SB 81 - regarding background checks and fingerprinting. Representative Garcia seconded the motion. The motion carried.

Representative Pauls made the motion to report HB 2620 favorably for passage, as amended. Representative Garcia seconded the motion. The motion carried.

HB 2825 - closing court proceedings and sealing court records

Representative Kinzer made the motion to report HB 2825 favorably for passage. Representative Watkins seconded the motion.

Representative Kinzer provided an amendment that would address some of the concerns brought forth during and after the hearing. (Attachment #2) He moved the balloon. Representative Davis seconded the motion. The motion carried.

Representative Davis made the motion to clarify that the bill does not apply to appellant court deliberations. Representative Kinzer seconded the motion. The motion carried.

Representative Kinzer made the motion to report HB 2825 favorably for passage, as amended. Representative Davis seconded the motion. The motion carried 9-7.

HB 2780 - criminal procedure; new crime committed on probation or community corrections

CONTINUATION SHEET

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Representative Colloton made the motion to report **HB 2780** favorably for passage. Representative Watkins seconded the motion.

Representative Crow made the substitute motion to adopt the proposed amendment by Judge Ernest Johnson (Attachment #3). Representative Owens seconded the motion. The motion carried.

Representative Pauls made the motion to change the language on page 3, line 9 to read “to obtain personal service” Representative Colloton seconded the motion. The motion carried.

The revisor provided the committee with a balloon which consist of technical cleanup regarding mandatory fines; clarifying that there are no expungments for the conviction of aggravated endangering a child; close a loophole (see 2008 HB 2901) regarding sexually motivated crimes. (Attachment #4)

Representative Ward made the motion to adopt the balloon. Representative Owens seconded the motion. The motion was divided into four parts:

1. The motion on closing the loophole for sexually motivated crimes carried.
2. The motion on post release without departure carried.
3. The motion clarifying language allowing judges to give fines in an non-grid offense was not voted on because Representative Kinzer made the substitute motion to have the cruelty to animal fine be \$500 to \$2,500. Representative Whitham seconded motion carried. The motion carried
4. The motion to clarify that aggravated endangering a child was non-expugnable carried.

Representative Crow made the motion to increase the fine for domestic battery to not less than \$1,000 nor more than \$7,500. Representative Colloton seconded the motion. The motion carried.

Representative Whitham made the motion to report **HB 2780** favorably for passage, as amended. Representative Colloton seconded the motion. The motion carried.

HB 2618 - administrative procedure amendments

Representative Whitham made the motion to report **HB 2618** favorably for passage. Representative Davis seconded the motion.

The Kansas Judicial Council provided a balloon amendment at the hearing that amended: the burden of proof; in light of the record as a whole; and conflict of interest language. Representative Colloton made the motion to adopt the Judicial Council’s balloon. Representative Watkins seconded the motion. The motion carried.

Adopt the amendment from the Kansas Real Estate Division, page 3 section (h)(3) to read “has participated in an investigatory or prosecutorial capacity in the creation of a summary order as part of another stage of the proceeding.” Representative Colloton made the motion to adopt the balloon. Representative Watkins seconded the motion. The motion carried.

Chairman O’Neal provided the committee with a balloon (Attachment #5) which allows for a certification procedure, allows policy decisions to be determined by department heads; the state board of tax appeals and the state corporation commission will be exempt from using the administrative hearing office; defines “adjudicative hearing”; presiding officer assigned by the office of administrative hearing shall be the presiding officer for all adjudicative hearings. The proposed changes in the balloon are to address some of the concern that was noted by agencies at the hearing on the bill during the 2007 session.

Representative Whitham made the motion to adopt the balloon. Representative Kinzer seconded the motion. The motion carried.

Representative Whitham made the motion to report **Substitute for HB 2618** favorably for passage. Representative Davis seconded the motion. The motion carried.

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MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 26, 2008 in Room 313-S of the Capitol.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for March 5, 2008.