

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 26, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Dean Newton - Excused

Representative Candy Ruff - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research

Jill Wolters, Department of Revisor of Statutes

Sherman Parks, Department of Revisor of Statutes

Cindy O'Neal, Committee Secretary

HB 2487 - Technical amendment to the Uniform Commercial Code Article 9

Representative DeCastro made the motion to adopt the balloon amendment (Attachment 1) proposed by the Office of Secretary of State. Representative Owens seconded the motion. The motion carried.

Representative DeCastro made the motion to report **Substitute HB 2487** favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2763 - Repealing two statutes that require certain size counties to provide courtroom and supplies for district courts as judges deem necessary

Representative O'Neal made the motion to adopt the balloon amendment (Attachment 2) which would repeal existing sections and add "adequately fund the operation of the district courts". Representative Loyd seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2763** favorably for passage, as amended. Representative Owen seconded the motion. The motion carried.

HB 2802 - Kansas Law Enforcement Training Center Fund; increase on municipal court fee and remove the sunset on district court fees

Representative Pauls made the motion to report **HB 2802** favorably for passage. Representative Long seconded the motion.

Representative Klein worried that the proposed bill might be over funding the KLET and maybe some of the money should go to the courts. Chairman O'Neal pointed out that the "extra monies" would allow the KLET to operate until 2006 without requesting additional funds.

The motion carried.

HB 2979 - Storage fees, notice

Representative Long made the motion to report **HB 2979** favorably for passage. Representative Lloyd seconded the motion.

Representative DeCastro made a substitute motion to adopt the Kansas Bankers Association amendment (Attachment 3). Representative Crow seconded the motion. The motion carried.

Representative Long made the motion to make the following changes in the KBA amendment: change (2) to read "The person in possession of such vehicle can ascertain, by verification from the division of vehicles the name and address of the owner and any lienholders of record." Also, allow for the revisor to clean up grammar. Representative DeCastro seconded the motion. The motion carried.

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Representative Long made the motion to report **Substitute HB 2979** favorably for passage. Representative DiVita seconded the motion. The motion carried.

HB 2488 - Phasing in the use of the office of administration hearings over five year

Representative Long made the motion to report **HB 2488** favorably for passage. Representative Owens seconded the motion.

Representative Loyd made the motion to amend in the Attorney Generals amendment which would allow agency heads make an appointment to act on their behalf. Representative Owens seconded the motion. The motion carried.

Representative Pauls made the motion to restore the language on page 46, section 47-50, and amend the Department of Ag language on page 7. Representative Long seconded the motion. The motion carried.

Jill Wolters informed the committee that the dates need to be mover back one year and on page 37, line 17 the term "consumer credit commissioner" needs to be struck.

Representative Loyd made the motion to accept the revisors suggestions. Representative Owens seconded the motion. The motion carried.

Representative Loyd made the motion to report **Substitute HB 2488** favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2400 - Adoption; the genetic parents shall have independent legal advice; an attorney can not represent the parents and the petitioner or child agency

Committee discussion centered around the fact that attorneys already have the proposed responsibility. Therefore, no interest was shown in working the bill.

HB 2880 - Collection of DNA

Representative Shriver made the motion to report **HB 2880** favorably for passage. Representative Howell seconded the motion.

Representative Loyd made the motion to amend the Kansas Bureau of Investigation proposed balloon. Representative DeCastro seconded the motion. The motion carried

Representative Long made the motion to report **HB 2880** favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

HB 2399 - Kansas offender registration; juvenile offender adjudicated of a sex offense must register

Representative Pauls made the motion to amend in the decay factor for those under the age of 18 or after their first adjudication, or whichever is longest. Representative Klein seconded the motion. The motion carried.

Representative Lloyd made the motion to report **HB 2399** favorably for passage, as amended. Representative Loyd seconded the motion. The motion carried.

HB 2469 - The act for obtaining a guardian or a conservator or both

The committee was provided with a copy of the subcommittees balloon draft.(Attachment 4)

Representative Patterson made the motion to adopt the subcommittee balloon. Representative Owens seconded the motion. The motion carried.

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Representative Patterson made the motion to strike lines 20, 21, 22, & 23 on page 56. The affect of which would be each person would be responsible to pay their own attorney fees. Representative DeCastro seconded the motion. The motion carried.

Representative Patterson made the motion have the bill state that in medical procedures the durable power or directive trumps, otherwise a court order would be needed. Representative Owens seconded the motion. The motion carried.

Representative Patterson made the motion to report **Substitute HB 2469** favorably for passage. Representative Pauls seconded the motion. The motion carried.

HB 2751 - Identity theft, identity of fictitious person and defrauding for any benefit

Representative Long made the motion to report **HB 2751** favorably for passage. Representative Dillmore seconded the motion.

Representative Long made the substitute motion to strike the words “real or fictitious” in line 19. Representative Loyd seconded the motion. The motion carried.

Representative Klein made the motion to have bifurcated sentences: one using an ID with the intention for economic benefit being a severity level 7 and the other using an ID with the intent of a non-economic benefit being a class A non-person misdemeanor. The motion carried.

Representative Dillmore made the motion to report **HB 2751** favorably for passage, as amended. Representative Long seconded the motion. The motion carried.

HB 2774 - Participants in the sexual predator treatment program; annual examination by the secretary of SRS and the court; conditions of release

Representative Swenson made the motion to report **HB 2774** favorably for passage. Representative Shriver seconded the motion.

Representative Long made the substitute motion to table the bill. Representative Crow seconded the motion. The motion carried.

HB 2752 - Crimes of tampering with pipelines and theft of products from pipelines

Representative Owens made the motion to change on line 27 & 29, the severity level to a 5 non person felony. Representative Lloyd seconded the motion. The motion carried.

Representative Loyd made the motion to add in line 17 “gathering” and delete in lines 14, 15 & 19 “natural gas gathering lines”. Representative Owens seconded the motion. The motion carried

Representative Owens made the motion to report **HB 2752** favorably for passage. Representative Crow seconded the motion. The motion carried.

HB 2735 - Aggravated battery includes unintentionally causing bodily harm while driving under the influence

Representative Dillmore made the motion to change the severity level in line 29 from 4 to 5 and in line 33 from 7 to 8. Representative Swenson seconded the motion. The motion carried.

Representative Long made the motion to report **HB 2735** favorably for passage, as amended. Representative Dillmore seconded the motion. The motion carried.

HB 2085 - Increasing juror compensation to \$25 for first five days, \$50 for any days thereafter

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Representative Long made the motion to table the bill. No second was received.

Representative Crow made the motion to amend the bill so there would be no compensation for the first day and increase the amount to \$25 for one day for jury service. Representative Rehorn seconded the motion. The motion failed 7-8.

Representative DiVita made the motion to have jurors receive \$10 for the first two days of service and then once they are selected receive \$20. Representative Lloyd seconded the motion.

Representative Rehorn made the substitute motion to have jurors receive no compensation for the first day and then \$25 per day for any day the person serves on a jury panel. Representative Crow seconded the motion. With permission of the second Representative Rehorn amended his motion to have the person receive \$10 for the first day and then \$25 for any day thereafter. The motion carried.

Representative Lloyd made the motion to amend in **HB 2778 - breastfeeding exemption**.

Representative Swenson made a substitute motion to report **HB 2085** favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 6:15 p.m.