

Approved: March 30, 2000

Date

## MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 16, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

### **SB 529 - Execution of corporate documents**

Representative Loyd made the motion to report SB 529 favorably for passage. Representative Powell seconded the motion. The motion carried.

### **SB 528 - Definition of practitioner to include pharmacist under chemical control act**

Representative Long made the motion to report SB 528 favorably for passage and be placed on the consent calendar. Representative Crow seconded the motion. The motion carried.

### **SB 488 - Sentencing in multiple conviction cases when primary crime conviction is reserved**

Representative Loyd made the motion to report SB 488 favorably for passage. Representative Powell seconded the motion. The motion carried.

### **SB 471 - Commission of offense while incarcerated as an aggravating factor in departure sentencing**

Representative Pauls made the motion to change the word "prison" to "incarcerated" on page 3 & page 4. Representative Klein seconded the motion. The motion carried.

Representative Haley made the motion to amend in HB 2309 - Hate crimes, presumed imprisonment. Representative Flaharty seconded the motion. The committee discussed that Courts currently have the discretion to determine what is a hate crime and can depart from sentencing guidelines if believes it is an aggravating factor. The motion failed 8-8.

Representative Pauls made the motion to report SB 471 favorably for passage, as amended. Representative Ruff seconded the motion. The motion carried.

### **SB 448 - Docket fees for traffic offenses and certain other offenses**

Representative Carmody made the motion to report SB 448 favorably for passage. Representative Long seconded the motion. The motion carried.

### **SB 423 - KBI laboratory analysis fees**

Representative Loyd made the motion to report SB 423 favorably for passage. Representative Lloyd seconded the motion. The motion carried.

### **SB 425 - Filing and status of foreign judgements**

Representative Pauls made the motion to strike the Senate amendment in lines 30 - 33. Representative Carmody seconded the motion. The motion carried.

Representative Pauls made the motion to report **SB 425** favorably for passage, as amended. Representative Carmody seconded the motion. The motion carried.

#### CONTINUATION SHEET

#### **SB 418 - Municipal court assessments in cases charging certain crimes**

The committee showed no interest in working the bill.

#### **SB 447 - Notice requirements related to subpoenas of business records**

Representative Loyd made the motion to strike the Senate amendment on page 2. Representative Edmonds seconded the motion. The motion carried.

Representative Carmody made the motion to change, on page 4, "Notice of the issuance of" to "Request the issuance of". Representative Powell seconded the motion. The motion carried.

Representative Carmody made the motion to report **SB 447** favorably for passage, as amended. Representative Loyd seconded the motion. The motion carried.

#### **SB 224 - Notification and investigation of deaths by coroner**

Representative Carmody made the motion to amend in Dr. Mitchell's suggested amendments with option A. (Attachment 1) Representative Gregory seconded the motion. The motion carried.

Representative Carmody made the motion to report **SB 224** favorably for passage, as amended. Representative Gregory seconded the motion. The motion carried.

#### **SB 526 - Use of forfeited property by Kansas National Guard**

Representative Carmody made the motion to amend in **HB 2684 - One year time limitation on writs of habeas corpus, as amended by the House Committee**. Representative Swenson seconded the motion. The motion failed 7-10.

Representative Pauls made the motion to report **SB 526** favorably for passage. Representative Carmody seconded the motion. The motion carried.

#### **SB 485 - Nonprobate transfer on death as nontestamentary**

Representative Carmody made the motion to refer the bill to the Kansas Judicial Council for further study. Representative Crow seconded the motion. The motion carried.

#### **SB 483 - Service of process on corporations, limited liability companies and limited partnerships**

Representative Loyd made the motion to delete on page 3, line 11 the word "director". Representative Crow seconded the motion. The motion carried.

Representative Carmody made the motion to report **SB 483** favorably for passage. Representative Lightner seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for March 20, 2000.