

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On March 20, 2001 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, Revisor of Statutes Office

Cindy O'Neal, Committee Secretary

HB 2549 - worthless check; damages

Representative Dillmore made the motion to report **HB 2549** favorably for passage. Representative Long seconded the motion. The motion carried.

HB 2539 - allowing land surveyors to enter upon property for a land survey

Representative DiVita made the motion to report **HB 2539** favorably for passage. Representative DeCastro seconded the motion.

Representative Long made the substitute motion to add in new section 1, line 19 "if the surveyor has made the effort to get permission from the land owner". Representative Dillmore seconded the motion. The motion carried.

Representative Long made the motion to clarify that none of the changes in the bill would change the status as a occupant of the land. Representative Klein seconded the motion. The motion carried.

Representative Crow made the motion to strike "as such surveyor deems necessary". Representative Patterson seconded the motion. The motion carried.

Representative Pauls made the motion to strike the criminal immunity section of the bill. Representative Ruff seconded the motion. The motion failed.

Representative Loyd made the motion to report **HB 2539** favorably for passage as amended. Representative Williams seconded the motion. The motion carried 11-6.

SB 67 - driving under the influence, suspension of driving privileges

Representative DiVita made the motion to amend in **HB 2230 - suspension or revocation of driving privileges**, as amended by the House Committee as a Whole, while preserving **SB 67** and to clarify K.S.A. 8-1014 on a second or subsequent occurrence that the interlock device restrictions apply only to alcohol related convictions. Representative Loyd seconded the motion. The motion carried.

Representative Long made the motion to report **SB 67** favorably for passage as amended. Representative DeCastro seconded the motion. The motion carried.

SB 263 - collection of DNA specimens from persons convicted of person felonies

Representative Klein made the motion to delete the requirement of any person with a person felony must submit DNA specimens and have it apply only to burglary & aggravated burglary. Representative Loyd seconded the motion. The motion carried.

Representative Klein made the motion to leave the current statute of limitations but add a one year after a conclusive DNA test exemption. Representative Loyd seconded the motion. The motion carried.

Representative Loyd made the motion to amend in **HB 2360 - deduction of time spent in confinement**. Representative Patterson seconded the motion. The motion carried.

Representative Long made the motion to amend on page 6, line 43 that “if the results of the DNA test are not unfavorably to the petitioner”. Representative DiVita seconded the motion. The motion carried.

Representative Loyd made the motion to amend in **HB 2075 - fingerprinting juveniles who allegedly commit assault**. Representative Long seconded the motion. The motion carried.

Representative Williams made the motion to amend in **HB 2344 - criminal disposal of firearms to a minor**, with the change in severity level from 4 to 6. Representative Long seconded the motion. The motion failed.

Representative Long made the motion to report **SB 263** favorably for passage as amended. Representative DiVita seconded the motion. The motion carried.

SB 205 - period of no contact with victim as a condition of release

Representative Pauls made the motion to amend in **HB 2077 - protection from abuse orders**, as passed by the House Committee as a Whole. Representative Swenson seconded the motion. There was concern that this would be mixing both criminal & civil statutes.

Representative Long made the substitute motion to have the court ensure the validity of protection from abuse orders. Representative Ruff seconded the motion.

By unanimous consent both the motions were withdrawn.

Representative Long made the motion to add the word “alleged” to “victim” everywhere it was appropriate. Representative Ruff seconded the motion. The motion carried.

Representative Long made the motion to report **SB 205** favorably for passage as amended. Representative DiVita seconded the motion. The motion carried.

Substitute SB 36 - farm animal & field crop & research facilities protection act

Representative Swenson made the motion to report **Substitute SB 36** favorably for passage. Representative Long seconded the motion.

Representative Klein made the substitute motion to delete section 4 of the bill. Representative Crow seconded the motion. The motion failed.

The motion to report **Substitute SB 36** carried.

SB 195 - release of information in records of child care facilities

Representative Rehorn made the motion to adopt his balloon amendment (Attachment 1). Representative Williams seconded the motion. The motion carried.

Representative DiVita made the motion to report **SB 195** favorably for passage as amended. Representative Rehorn seconded the motion. The motion carried.

SB 119 - mental health screening and placement

Representative Pauls made the motion to adopt the balloon amendment to take out references of liability and add community mental health centers under the tort claims act. (Attachment 2) Representative Ruff seconded the motion. The motion carried.

Representative Long made the motion to amend in **HB 2509 - guardian & volunteers included under the tort claims act**. Representative Pauls seconded the motion. The motion carried.

Representative Pauls made the motion to report **SB 119** favorably for passage as amended. Representative Long seconded the motion. The motion carried.

SB 30 - invalidity of certain provisions of wills, trusts & other instruments when preparer is beneficiary

Representative DiVita was concerned that there was no affirmative assurance that the person having the will drafted would have knowledge of what it said and made the motion to include it in the bill. Representative

Crow seconded the motion.

Representative Klein made the substitute motion to table the bill because he was not comfortable with it and not sure that he understood it completely. He then withdrew his motion.

The DiVita motion failed.

Representative Willams made the motion to report **SB 30** favorably for passage. Representative Ruff seconded the motion. The motion carried. Representative DiVita requested she be recorded as voting no.

SB 20 - eliminate bond requirements for professional fund-raiser for charitable organization

Representative Long made the motion to report **SB 20** favorably for passage. Representative Shriver seconded the motion. The motion carried.

SB 291 - creating the crime of causing harm to another person by motor vehicle

Representative Dillmore made the motion to report **SB 291** favorably for passage. Representative Williams seconded the motion.

Representative DiVita was concerned about the definition of leaving a child unattended.

Representative Long made the motion to table the bill. Representative DiVita seconded the motion. The motion failed 8-8.

The motion to report **SB 291** favorably failed 7-9.

SB 209 - enacting the national crime prevention & privacy compact

Representative Loyd made the motion to have the bill effective upon publication in the Kansas Registrar. Representative Pauls seconded the motion. The motion carried.

Representative Patterson made the motion to report **SB 209** favorably for passage as amended. Representative Loyd seconded the motion. The motion carried.

SB 14 - mediation; disputes which may be ordered to mediation costs

Chairman O'Neal made the motion to change on page 2, line 10 to make the cost relative to the amount in controversy. Representative Long seconded the motion. The motion carried.

Chairman O'Neal made the motion to strike on line 12 the word "judicial". Representative Loyd seconded the motion. The motion carried.

Chairman O'Neal made the motion to strike on line 14 "approved by.....individual." Representative Loyd seconded the motion. The motion carried.

Representative Loyd made the motion to strike on page 2, line 31 "deliberate & intentional" and replace with "without just cause or excuse." Chairman O'Neal seconded the motion. The motion carried.

Representative Pauls made the motion to strike "the amount at controversy in the case". Representative DiVita seconded the motion. The motion carried.

Representative Long made the motion to report **SB 14** favorably for passage as amended. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 7:00 p.m.