

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 20, 2006 in Room 313-S of the Capitol.

All members were present except:
Michael Peterson- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

SB 407 - courts; increasing jurors' fees

Representative Loyd made the motion to report SB 407 favorably for passage. Representative Garcia seconded the motion. The motion carried.

SB 352 - uniform commercial code; filing of financing statements

Representative Kiegerl made the motion strike the italicized language on page 2, lines 1 & 2. Representative Loyd seconded the motion. The motion carried.

Representative Kiegerl made the motion to report SB 352 favorably for passage, as amended. Representative Hutchins seconded the motion. The motion carried.

HB 2819 - time limit for transfers of certain offenders to reception & diagnostic unit

Representative Watkins made the motion to report HB 2819 favorably for passage, and because of its non-controversial nature be placed on the consent calendar. Representative Kelley seconded the motion. The motion carried.

SB 361 - Kansas air quality act

Representative Kinzer made the motion to report SB 361 favorably for passage. Representative Roth seconded the motion. The motion carried.

SB 431 - expungement of DUI ordinance violations and DUI convictions including diversions; probation

Representative Roth made the motion to adopt the provided balloon amendment which would allow for no expungement on convictions or diversions for violation of DUI ordinances. (Attachment 1) He moved the balloon. Representative Watkins seconded the motion. The motion carried.

Representative Roth made the motion to amend in the provisions of SB 351 - drug possession sentencing, drug abuse assessment after sentencing, with language on page 3, line 43 stricken. Representative Watkins seconded the motion.

Patricia Biggs, Kansas Sentencing Commission, announced that there is a conflict with the drug abuse assessment and the pre-sentence risk assessment in the bills. After committee discussion Representative Roth withdrew his motion, with permission of the second. Chairman O'Neal announced the committee would take up the bill at tomorrow's meeting.

SB 221 - mentally ill persons subject to involuntary commitment are not allowed to possess a firearm

Representative Kinzer made the motion to report SB 221 favorably for passage. Representative Hutchins seconded the motion. The motion failed.

CONTINUATION SHEET

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SB 366 - departure sentence; aggravating factors include offender playing a major role as the organizer

Representative Loyd made the motion to change “offender” to “participant”. Representative Masterson seconded the motion. The motion carried.

Representative Loyd made the motion to report **SB 366** favorably for passage, as amended. Representative Kiegerl seconded the motion. The motion carried.

SB 435 - requiring a standardized risk assessment tool to be used as part of a pre-sentence investigation

Representative Ward made the motion to strike the contents of **SB 435** and amend in the provisions of **HB 2879 - library docket fees**. Representative Garcia seconded the motion. Representative Watkins suggested striking “and docket fee” in lines 36 & 39. With permission of the second, Representative Ward amended his motion to include the suggestion. The motion carried.

Representative Yoder was concerned about the potential nonuniformity of docket fees across the state and made the motion to have the library fee fund increased up to \$4.00. Representative Davis seconded the motion. The motion carried.

Representative Ward made the motion to report **Substitute for SB 435** favorably for passage. Representative Watkins seconded the motion. The motion carried.

SB 180 - preliminary screening tests for alcohol consumption by minors

Representative Yoder made the motion to strike the provisions of **SB 180** and adopt the provided balloon which would state that the Legislature, not the Supreme Court, has the authority to set docket fees. (Attachment 2) It would increase docket fees to raise \$3.7 million. The docket fees would be increased by \$9.00 to offset what is currently raised by the emergency surcharge docket fee. Representative Kinzer seconded the motion. The motion carried.

Representative Hutchins made the motion to amend in the provisions of **HB 2913 - county, city and district hospitals not required to pay docket fees or sheriff’s service of process fees**. Representative Kinzer seconded the motion.

Discussion centered on if the legislature wants to list all entities who would be exempt and if so who would they be. Chairman O’Neal announced the committee would take up the bill at tomorrow’s meeting.

The committee meeting adjourned at 6:45 p.m. The next meeting was scheduled for March 21, 2006.