

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

Held in Room 526, at the Statehouse at 3:30 a. m./p. m., on March 1, 19 79.

All members were present except:

The next meeting of the Committee will be held at 3:30 a. m./p. m., on March 8, 19 79.

These minutes of the meeting held on February 28, 19 79 were considered, corrected and approved.

JOSEPH J. HOAGLAND

Chairman

The conferees appearing before the Committee were:

Chairman Hoagland called the meeting to order at 3:30 p.m. Rep. Heinemann, Chairman of the Criminal Law Sub-Committee gave his report to the committee. HB 2034, a bill providing for disclosure and non-disclosure of certain arrests, sponsored by Rep. Ferguson was briefly explained by Rep. Ferguson and an amendment to the bill was explained to committee. Rep. Ferguson then moved to adopt the amendment. Seconded by Rep. Heinemann. Motion passed. Rep. Ferguson moved to recommend HB 2034 favorably as amended. Motion seconded by Rep. Heinemann. Motion Carried.

Rep. Heinemann then explained HB 2249 and the amendment proposed, to make the bill Substitute HB 2249, which was recommended by the Criminal Law Sub-Committee. Rep. Heinemann moved that Substitute HB 2249 be approved favorably. Seconded by Rep. Brewster. Motion carried.

Rep. Heinemann then reported on HB 2410 and explained the proposed amendments. Rep. Heinemann then moved the committee adopt the proposed amendments. Seconded by Rep. Brewster. Motion passed. Rep. Heinemann then moved the committee pass HB 2410 favorably as amended. Seconded by Rep. Stites. Motion carried.

Rep. Heinemann then reported on Substitute HB 2011. He moved to adopt Substitute HB 2011. There was no second, so motion failed for lack of a second.

Rep. Gillmore then reported on bills from the Family Law Sub-Committee. Rep. Glover, sponsor of HB 2059, explained the bill to committee, and the proposed amendments. Rep. Glover moved to adopt the amendments. Seconded by Rep. Matlack. Motion carried. Mr. Glover then moved to report the bill favorably as amended. Seconded by Rep. Gillmore. Motion passed.

Rep. Glover then explained a proposed amendment to HB 2229, a bill concerning the Community Corrections Act, relating to juveniles. The proposed amendment would be to add the following words at the end of subsection (b): "In determining the amount of base year expenditures, that portion of corrections' personnel salaries assumed by the

Minutes of the HOUSE Committee on JUDICIARY March 1, 1979

State as described in K.S.A. 1978 Supp. 20-361 and 20-362 shall not be considered as a portion of the base year requirement." Rep. Glover moved to adopt the amendment. Seconded by Rep. Brewster. After some discussion, Rep. Roth made a substitute motion to add to the amendment On HB 2229, "the amount actually issued." Seconded by Rep. Frey. Substitute Motion Passed. It was moved by Rep. Gillmore to report HB 2229 favorably as amended. Seconded by Rep. Glover. Motion carried.

Rep. Douville, Chairman of the Civil Law Sub-Committee then reported on bills from the sub-committee. Rep. Douville recommended to report HB 2190 adversely. Seconded by Rep. Stites. After discussion, Motion Passed.

It was recommended to amend HB 2425 to read \$25,000 and \$50,000.00. Brewster moved to adopt the amendment for HB 2425. Seconded by Rep. Ferguson. Motion passed. Rep. Brewster moved to adopt HB 2425 favorably as amended. Seconded by Rep. Ferguson. Motion passed with a vote of 7-6.

HB 2164 was explained briefly by the sponsor, Rep. Gillmore. Mr. Gillmore then moved to report the bill favorably. Seconded by Rep. Crow. There was some discussion and a substitute motion for a conceptual amendment was made, and after further discussion, the substitute motion was withdrawn. A vote was taken on the original motion and the motion passed.

Rep. Brewster, sponsor of HB 2144, a bill concerning the penalty for unclassified misdemeanors, reviewed the bill for the committee. Following a brief discussion, Rep. Brewster moved to report HB 2144 favorably. Seconded by Rep. Heinemann. A substitute motion by Rep. Stites was made to table the bill. Seconded by Rep. Frey. Substitute Motion Failed. A vote on the original motion for HB 2144 was taken. Motion carried.

HB 2392, a professional lien bill was discussed next. Rep. Brewster moved to table the bill. Seconded by Rep. Douville. Rep. Heinemann then made a substitute motion to conceptually amend HB 2392. The substitute motion failed for lack of a second. A vote on the original motion was taken. Motion passed.

Rep. Stites then moved to report HB 2611 adversely. Seconded by Rep. Brewster. Motion passed.

Chairman Hoagland then briefly explained HB 2296, the hand gun bill with a 72 hour waiting period following purchase. It was moved by Rep. Stites to amend HB 2296, in Line 26 by striking the words, "lethal or non-lethal gases." Seconded by Rep. Crow. A substitute motion by Rep. Ferguson was made to report the bill adversely. Seconded by Rep. Sullivan. Motion failed. A vote was then taken on the original motion to amend HB 2296. Motion carried. Rep. Crow moved to report HB 2296 favorably as amended. Seconded by Rep. Gillmore. Motion carried. Rep. Ferguson was recorded as voting NO.

Minutes of the HOUSE Committee on JUDICIARY March 1, 1979

Rep. Brewster then moved to table HB 2499. Seconded by Rep. Matlack. Motion carried.

Rep. Gillmore moved to report HB 2607 favorably. Seconded by Rep. Stites. A substitute motion by Rep. Glover was made to amend HB 2607 by adding on Page 5, Line 158, after the period, "The adult authority may conduct an initial hearing by review of the record and without the presence of the inmate in cases involving an inmate serving a sentence pursuant to subsection (5) of K.S.A. 1978 Supp. 21-4508." Seconded by Rep. Brewster. Substitute motion passed. Then a motion was made by Rep. Gillmore to report HB 2607 favorably as amended. Seconded by Rep. Stites. Motion carried.

Rep. Brewster moved to report HB 2608 adversely. Seconded by Rep. Martin. Motion carried.

It was moved by Rep. Miller to report HB 2609 favorably. Seconded by Rep. Douville. Rep. Ferguson made a substitute motion to conceptually amend HB 2609. The substitute motion failed for lack of a second. Rep. Brewster then moved to table HB 2609. Seconded by Roth. After some discussion, motion was withdrawn. A vote on the original motion to pass HB 2609 favorably, was taken. Motion failed. Rep. Sullivan was recorded as voting YES. Rep. Brewster then moved to report HB 2609 adversely. Seconded by Rep. Stites. Motion Passed.

Meeting was adjourned at 5:50 p.m.