

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 January 31, 1995 in Room 313-S-of the Capitol.

All members were present except:

Representative Jim Garner, Excused  
Representative Joel Rutledge, Excused  
Representative Candy Ruff, Excused

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Alan Cobb, City of Wichita  
Buck Hartley, Fire Chief Shawnee Kansas

Others attending: See attached list

Buck Hartley, Fire Chief Shawnee Kansas, appeared before the committee with a bill request regarding smoke detector legislation.

Representative Graeber made a motion to have this bill introduced as a committee bill. Representative Grant seconded the motion. The motion carried.

Alan Cobb, City of Wichita, appeared before the committee with a bill request that would amend Kansas Asset Forfeiture Act to include the following "driving or attempting to drive a vehicle while a persons privilege to drive is suspended or revoked provided in K.S.A. 8-1567".

Representative Powell made a motion to have this bill introduced as a committee bill. Representative Graeber seconded the motion. The motion carried.

**HB 2177** - Venue for actions against corporations & **HB 2111** - Civil procedure, change of venue

Representative Powell made a motion to amend the provisions of **HB 2111** into **HB 2177**. Representative Graeber seconded the motion.

Representative Heinemann made a substitute motion to change Chapter 61 so it was consistent with Chapter 60. Representative Nichols seconded the motion. The motion carried.

Representative Powell renewed his motion to amend the provisions of **HB 2111** into **HB 2177**. Representative Graeber seconded the motion. The motion carried.

Representative Nichols made a motion that would add the following language in line 18 "unless the county of the District Court considering the transfer would provide equal convince to both parties." Representative Edmonds seconded the motion.

Representative Pauls made a substitute motion to delete in line 17 the word "well" and add the language "would better serve". Representative Goodwin seconded the motion. The motion carried.

Representative Powell made a motion to report **HB 2177** favorably for passage as amended. Representative Yoh seconded the motion. The motion carried.

Chairman O'Neal announced that **HB 2030** - crime of official misconduct, was assigned to subcommittee because it appeared to need the language cleaned up. Members of the subcommittee are: Graeber, Chairman; Adkins, Grant, Haley, Pauls.

**HB 2002** - mitigating circumstances during sentencing

Representative Nichols made a motion to report **HB 2002** favorably for passage. Representative Powell seconded the motion.

CONTINUATION SHEET

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Chairman O'Neal stated that the Kansas Sentencing Commission brought to the committee's attention that Section 1 & 2 would likely be found unconstitutional when related to capitol murder cases and there is a court case on this. This would be limited only to death penalty cases.

With permission of the second Representative Nichols amended his motion to delete Sections 1&2.

Representative Graeber commented that this amendment would be discriminatory to other criminals who are not convicted of capitol murder cases.

Representative Adkins made a substitute motion to table **HB 2002**. Representative Shriver seconded the motion. The motion carried.

The next meeting is scheduled for February 1, 1995.

