

Approved: 3/10/98
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Tim Carmody at 3:30 p.m. on February 11, 1998 in Room 313--S of the Capitol.

All members were present except: Representative Kline (excused)
Representative Mayans (excused)
Representative Shriver (excused)
Representative Ruff (excused)
Representative Adkins (excused)

Committee staff present: Jerry Ann Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Revisor of Statutes
Jan Brasher, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

The Chair called the meeting to order and stated that the Committee will consider bills previously heard.

HB 2126 **Permitting a limited liability company to exercise the powers of a professional corporation or professional association.**

The Chair stated that this bill was requested last year by the Board of Healing Arts, but is applicable to other professions.

The Revisor stated that Mark Stafford on behalf of the Board of Healing Arts requested an amendment that would make two changes. One change would clean-up the dates from 1997 to 1998. The other change would delete section 9, as it is felt that section is duplicated in this bill.

A motion by Representative Mays, second by Representative Wilk was made to adopt the Board of Healing Arts' amendment to HB 2126. The motion carries.

A motion by Representative Powell, second by Representative Wilk was made to pass HB 2126 favorably as amended. The motion carries.

HB 2282 **Return of service on subpoena, require affidavit to be signed.**

The Chair discussed the background and the purpose of **HB 2282**.

A motion was made by Representative Pauls, second by Representative Swenson to recommend HB 2282 favorably for passage. The motion carries.

HB 2676 **Providing for the disposition of valueless mobile and manufactured homes.**

The Chair stated that this bill was heard last week. There was brief discussion by Committee members.

A motion was made by Representative Powell, second by Representative Wilk to recommend HB 2676 favorably for passage. The motion carries.

SB 256-Jurisdiction of university police officers

The Chair stated that this was an Appropriations' Committee bill last year, and this committee heard the bill on February 4, 1998. The Chair stated that this bill will allow the universities to enter an agreement with the

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locality and that agreement would have to contain certain elements. The Chair explained that it is a two step process. This bill would authorize those agreements, then the agreements would have to be negotiated and would allow extended jurisdiction of the university police.

The committee members discussed what domains the expanded jurisdiction would include, and the intent of the bill.

The Chair stated that the Revisor had noted updates needed.

A motion was made by Representative Carmody, second by Representative Shultz to amend HB 256, to change the dates on lines 14, 17 (reference to suppl.) and the repealer date to make them conform to 1997 supplements. The motion carries.

A motion was made by Representative Wilk, second by Representative Mays to recommend SB 256 favorably as amended. The motion carries.

HB 2312 **The penalty for battery against a uniformed law enforcement officer same as battery against a corrections employee.**

The Chair stated that this bill was heard on January 22, 1998 and referred to the Revisor to explain the background and purpose of the bill.

The Committee members discussed the current severity level imposed for battery of a correction officer and the severity level posed in this bill for battery of a uniformed officer and a correction's officer.

A motion was made by Representative Powell to move the bill, second by Representative Swenson. The motion was withdrawn.

The Revisor stated that in this bill the whole statute will be pulled out and the new one put in to update the bill.

A motion was made by Representative Carmody, second by Representative Powell to replace the old statute and replace it with the new by updating the year references. The motion carries.

The committee discussed who would be considered independent contractors for the purpose of this bill and what is current law. The committee members discussed issues concerning the severity level prescribed in the bill. Current law has severity level 6 for battery of a correction's officer. After committee discussion the Chair requested the fiscal note for **HB 2312**.

A motion was made by Representative Wilk, second by Representative Powell to raise the severity level in HB 2312 to severity level 6. The motion carries.

A motion was made by Representative Powell, second by Representative Wilk to pass the bill out favorably as amended. The motion carries.

HB 2186 **Illegal to possess a false identification document such as a social security card or immigration card.**

Committee members discussed objections to the bill and advocacy for the bill. Issues considered included whether possessing the false documents should be a crime and what purposes a person might have for carrying false documents.

Committee members discussed with the Revisor the severity level and the penalties stated in the bill regarding the crime. The Committee members also discussed city ordinances that penalize the use of false identification cards.

A motion was made by Representative Powell, second by Representative Dahl to pass HB 2186 favorably. The motion carries.

HB 2231 **Returning rented or leased property to lessor following identification for evidentiary purposes when evidence of intent to permanently deprive.**

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The Chair stated that this bill would enter the description of a vehicle not returned to the rental car agency after a specific time to the national crime data network. The Committee members discussed whether this should be a local issue or whether there should be statewide protection for this type of occurrence. The committee members discussed that this bill deals with prima facie evidence of a theft. The committee members discussed public benefit if rental car agencies can report the car as stolen rather than as a conversion.

The Revisor related that this bill needs revisor updates to 1997 session law.

A motion was made by Representative Powell, second by Representative Dahl to pass the bill favorably. The motion was withdrawn.

A motion was made by Representative Powell, second by Representative Dahl to amend **HB 2231** by updating to 1997 session law. The motion carries.

A motion was made by Representative Powell, second by Representative Dahl to recommend **HB 2231** favorably as amended. The motion carries.

The Chair adjourned the meeting at 4:30 p.m.

The next meeting is scheduled for February 16, 1998.

HOUSE JUDICIARY COMMITTEE
GUEST LIST

DATE: 2-11-98

NAME	REPRESENTING
Anna Uola	USA 418
Skip Skyles	USD ² 418
Harry Weepethorn	USD 418
Bob Tolle	USD 418
Jewell D. Schmidt	USD 418
Matthew J. Smith	KIMHA
Tom [unclear]	KCC
Stephan Petri	Attorney General
Barne Ann Brown	KS Govt Consult
Father Gaidell	Whitney Samson, J.A.
Susan Anderson	Hein + Weir