

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 19, 2002 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

SB 416 - Expenditures from the driving under the influence equipment fund

Representative Long made the motion to report SB 416 favorably for passage. Representative Lloyd seconded the motion. The motion carried.

SB 208 - Driving under the influence of an inhalant

Representative Loyd made the motion to amend in HB 2328 - abusing toxic vapors. Representative Long seconded the motion. The motion carried.

Representative Dillmore made the motion to strike on page 4 section (4) and replace with Kansas Highway Patrol. Representative Long seconded the motion. Committee members discussed adding "inhalant" to the list instead of using the highway patrols amendment. With permission of the second, Representative Dillmore withdrew his motion.

Representative Dillmore made the motion to tie the definition of inhalant with the definition of toxic vapors. Representative Long seconded the motion. The motion carried.

Representative Long made the motion to report Substitute SB 208 favorably for passage, with revisors revisions. Representative DiVita seconded the motion. The motion carried.

SB 467 - Commercial electronic mail act - unwanted spam

Representative Loyd made the motion to adopt the balloon (Attachment 1). Representative Crow seconded the motion. The motion carried.

Representative DiVita made the motion to amend on page 4 to allow for the following safe harbor provisions: if the person has taken reasonable preventive measures to prevent violations; violations resulting from an error; and if the person has not committed a violation within the previous 180 days. Representative Loyd seconded the motion. The motion carried 8-8.

Representative Loyd made the motion to delete subsection (k). Representative Dillmore seconded the motion. The motion carried.

Representative Lloyd made the motion to strike sections (i), (ii). Representative Loyd seconded the motion. The motion carried.

Representative Dillmore made the motion to report SB 467 favorably for passage, as amended. Representative Crow seconded the motion.

Representative Newton made a substitute motion to strike "inquire". Representative Lloyd seconded the motion. The motion carried.

Representative Dillmore renewed his motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 19, 2002 in Room 313-S of the Capitol.

SB 434 - Expand the definition of unlawful sexual relations to include contracted employees

Representative Long made the motion to report SB 434 favorably for passage. Representative Lloyd seconded the motion.

Representative Dillmore made a substitute motion to amend in HB 2853 - **Requiring the offender to state exact nature of alleged error in the criminal offender history.** Representative Pauls seconded the motion. The motion carried.

Representative Dillmore made the motion to amend in HB 2855 - **crime victims given notice of parole public comment sessions if an off-grid felony.** Representative Long seconded the motion. The motion carried.

Representative Long made the motion to amend in HB 2181 - **cockfighting, severity level 10 non-person felony.** Representative Lloyd seconded the motion. The motion carried.

Representative Klein made the motion to amend the penalty from a Level 10 non-person felony to a class A misdemeanor for conducting a fight and a class B for attending one. Representative Owens seconded the motion. The motion carried.

Representative DiVita made the motion to amend in HB 2969 - **postrelease supervision for persons convicted of misdemeanors, with "shall" changed to "may".** Representative Lloyd seconded the motion. Committee members were concerned with putting additional conditions on someone who has already completed their sentence. With permission of the second, Representative DiVita withdrew her motion.

Representative Long made the motion to amend in the provisions of HB 2856 - **forensic lab reports at preliminary hearings.** Representative DiVita seconded the motion. The motion carried 9-5.

Representative Howell made the motion to report **Substitute SB 434** favorably for passage. Representative Long seconded the motion. The motion carried.

SB 400 - Nonresident administrators authorized when appointing a resident agent

Representative made the motion to amend in the provisions of HB 2672 - **elective share of surviving spouse, making it prospective after July 1, 2002 and adding at the end "waived by each spouse if applicable".** Representative Loyd seconded the motion. The motion carried.

Representative Long made the motion to report SB 400 favorably for passage, as amended. Representative Loyd seconded the motion. The motion carried.

Representative Long made the motion to approve the committee minutes from February 13, 14, 18 & 19. Representative Swenson seconded the motion. The committee directed the committee secretary to revise the committee minutes from February 19 to address the issue that Robert Visnaw, United States Immigration Services, appeared but did not have the authority to represent the INS. The motion carried.