

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 21, 2007 in Room 313-S of the Capitol.

All members were present except:  
Marti Crow- excused

Committee staff present:  
Jerry Ann Donaldson, Kansas Legislative Research  
Athena Andaya, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Duston Slinkard, Office of Revisor of Statutes  
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:  
Kyle Smith, Kansas Bureau of Investigations  
Chad Ullom, Kansas Pharmacy Coalition

The hearing on **SB 270 - ephedrine & pseudoephedrine; purchase; sale; pharmacy log**, was opened.

Kyle Smith, Kansas Bureau of Investigations, appeared as a proponent of the bill. He explained the bill would require the person purchasing ephedrine or pseudoephedrine to record their name & address in a log retained by the seller. The seller would be required to verify that name provided by seeing identification of the person. It also provides civil immunity to a seller who, in good faith, releases information in a log to any law enforcement officer. The bill would make it illegal to purchase three packages of drugs containing ephedrine or pseudoephedrine at one time, not more than 3.6 grams in a single transaction and 9 grams within a 30 day period. (Attachment 1)

Chad Ullom, Kansas Pharmacy Coalition, appeared in support of the bill and stated that it would bring Kansas in compliance with the Federal Combat Methamphetamine Epidemic Act of 2005. He suggested an amendment that would clarify that the seller can enter the purchaser's information if the individual is unable to. (Attachment 2)

Written testimony was provided by the National Association of Chain Drug Stores which suggested an amendment that would clarify that the limits would apply only to ephedrine and pseudoephedrine based drugs. (Attachment 3)

The hearing on **SB 270** was closed.

**SB 270 - ephedrine & pseudoephedrine; purchase; sale; pharmacy log**

Representative Kinzer made the motion to adopt the KBI proposed amendment to strike "or" on page 3 at the end of line 37. Representative Colloton seconded the motion. The motion carried.

Representative Kinzer made the motion to adopt the proposed amendment by Walgreens which would clarify that sellers can record transaction information in the log book. (Attachment 4) Representative Pauls seconded the motion. The motion carried.

Representative Kinzer made the motion to adopt the proposed amendment by NACDS which would clarify that the limits apply only to ephedrine and pseudoephedrine based drugs. (Attachment 5) Representative Pauls seconded the motion. The motion carried.

Representative Kinzer made the motion to report **SB 270** favorably for passage, as amended. Representative Whitham seconded the motion. The motion carried.

**SB 203 - release prior to trial, appearance bonds, cash deposit required to equal amount of bond**

Representative Kinzer made the motion to amend on page 2 (4) to make clear that any money that was left over after restitution, court costs & fees were paid would then be returned to the inmate. Representative Ward

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seconded the motion. The motion carried.

Chairman O'Neal brought to the committees attention that Wyandott County had requested a bill that would allow them to implement their own bonding authority, **HB 2203.**

Representative Kuether made the motion to strike the provision of SB 203 and amend in the provisions of HB 2203. Representative Owens seconded the motion. Committee members voiced their opinion that courts bonding is not a traditional court function and has been reserved for private businesses to handle. The motion failed.

Representative Watkins made the motion to report SB 203 favorably for passage, as amended. Representative Whitham seconded the motion. The motion carried.

### **SB 55 - department of corrections, disposition of inmate compensation**

Watkins made the motion to adopt the balloon amendment which would prioritize the order of payment from inmate monies. (Attachment 6) Representative Kinzer seconded the motion. The motion carried.

Representative Watkins made the motion to report SB 55 favorably for passage, as amended. Representative Kinzer seconded the motion. The motion carried.

### **SB 324 - repealing certain KSA sections concerning certain crimes**

Representative Pauls made the motion to strike the repeal of K.S.A. 21-3727. Representative Kuether seconded the motion. The motion carried.

Representative Pauls made the motion to report SB 324 favorably for passage, as amended. Representative Davis seconded the motion. The motion carried.

### **SB 166 - clarifying amendments to hard 40 sentence for sex crimes and sexual exploitation of a child.**

Representative Kinzer made the motion to report SB 166 favorably for passage. Representative Watkins seconded the motion. The motion carried.

### **SB 351 - office of administrative hearings; exception to use by the office of state bank commissioner**

Representative Davis made the motion to have staff amend the bill to close the loophole which allows state agencies to appoint presiding officers to act as hearing officers. Representative Ward seconded the motion. The motion carried.

Representative Kinzer made the motion to amend on page 4, line 9 the bill to have any full-time hearing officers of any agency coming into OAH in 2009 to transfer their hearing officer. Representative Colloton seconded the motion. The motion carried.

Kansas Judicial Council brought to the committees attention that the Department of Agriculture received an exemption in 2003 from having hearings done by the OAH unless a party requested the matter be heard before the OAH. That exemption was reversed in conference committee so OAH would hear the matter unless the party requested it be heard by the Department of Agriculture. Since its enactment, not a single Department of Agriculture hearing has come to the OAH. It was the Judicial Council's conclusion that either no hearings are being conducted, the secretary is hearing all the cases or they are simply not following the law. It was suggested that K.S.A. 75-37-121 be stricken. Representative Colloton made the motion to amend the bill to strike K.S.A. 75-37-121. Representative Watkins seconded the motion. The motion carried.

Representative Kinzer made the motion to report SB 351 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

### **SB 31 - jurisdiction of municipal courts**

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Representative Ward made the motion to delete the provisions of SB 31 and replace it with a balloon amendment which would create concurrent jurisdiction with municipal and district courts. (Attachment 7) Representative Pauls seconded the motion. The motion carried.

Representative Ward made the motion to have the bill be retro-active to July 1, 2006. (Attachment 8) Representative Pauls seconded the motion. The motion carried.

Representative Ward made the motion to report **Substitute for SB 31** favorably for passage. Representative Watkins seconded the motion. The motion carried.

**SB 103 - criminal procedure; palm prints; expungement of DNA samples and profile records**

Representative Pauls made the motion to strike the provisions of SB 103 and replace with the provisions of HB 2384 - collection of DNA and strike on page 3, line 3 "or". Representative Colloton seconded the motion. The motion carried.

Representative Kinzer made the motion to clarify section 5 in that persons who file a petition with the KBI to have their DNA record expunged would happen. Representative Hodge seconded the motion. The motion carried.

Representative Kinzer made the motion reinstate the language on lines 20 -24. Representative Hodge seconded the motion. The motion carried.

Representative Whitham made the motion to report SB 103 favorably for passage, as amended. Representative Pauls seconded the motion. The motion carried.

**SB 56 - Increasing fees for county law libraries**

Representative Yoder made the motion to delete the provision of SB 56 and replace with the distributed balloon which would allow an individual to choose either a remedy under full consideration or treble damages, but not both. (Attachment 9) Representative Watkins seconded the motion. The motion failed.

The committee meeting adjourned at 5:45 p.m No further meetings have been scheduled.