

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 20, 2007 in Room 313-S of the Capitol.

All members were present except:  
Annie Kuether- 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

**HB 2001 - civil commitment of sexually violent predators; rights & rules of conduct; transitional release when a predator suffers from permanent dementia; battery against a mental health employee**

Social & Rehabilitation Services requested a balloon that would put the rights of a patient in statute instead of having them develop rules and regulations. (Attachment 1)

Representative Crow made the motion to adopt the balloon, with grammatical changes. Representative Wolf seconded the motion. The motion carried.

Representative Goyle was concerned with letters being sent to the news media being screened before it would be sent to possibly stop whistle blowers. He made the motion to include "members of the news media" in (14). Representative Wolf seconded motion. The motion carried.

Representative Owens made the motion to strike "a reasonable time" and replace with "informed in writing within seven days". Representative Garcia seconded the motion. The motion failed.

Representative Wolf made the motion to report **HB 2001** favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

**HB 2143 - no hunting or fishing license for persons in arrearages for child support**

Kansas Department of Wildlife and Parks provided the committee with a balloon amendment which strikes on page 3, line 16 "the individuals informing such individual" and adds in its place "any new individual on the listing who has a current license, permit, stamp, tag or other issue of the department of wildlife and parks informing such individual." They also requested on page 5, line 16 striking "except" and replace with "including". (Attachment 2)

Representative Kinzer made the motion to adopt the balloon and proposed amendment. Representative Watkins seconded the motion. The motion carried.

Some members of the committee voiced concern that only 14 courts currently have court trustee and wondered how other courts would handle the reporting.

Representative Kinzer made the motion to report **HB 2143** favorably for passage, as amended. Representative Watkins seconded the motion. The motion carried.

**HB 2359 - controlled substance, drug paraphernalia**

Jill Wolters, Office of Revisor, provided the committee with a comparison of **HB 2359**, current law, and federal law. (Attachment 3)

Representative Owens made the motion to adopt federal language by changing the word "specific" to

## CONTINUATION SHEET

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“primarily” wherever it appears in the bill. Representative Ward seconded the motion. The motion carried.

Representative Owens made the motion to include in the list on (12) “phencyclidine (PCP), methamphetamine, or amphetamine”. Representative Crow seconded the motion. The motion carried.

Representative Owens made the motion to include in section (n) “wired cigarette papers and cocaine freebase kits”. Representative Wolf seconded the motion. The motion carried.

Representative Garcia made the motion to report **HB 2359** favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

### **HB 2188 - professional screening panels**

Chairman O’Neal announced that he had a meeting with the Kansas Trial Lawyers Association and that they agreed to the following proposed changes:

- Section 2, to allow for additional period of time for a screening panel to be appointed change 10 days to 20 days.
- Section 3, change the time frame from 120 days to 180 days for panel to be required to provide its written recommendation.
- Section 5, change tolling date to date that the screening panel convenes. (Currently tolling starts upon filing of the memorandum requesting a screening panel.) Also, change 180 days to 210 days with regard to how long it would remain tolled.
- Move lines 19 - 22 on page 4, section (b)(4) to page 5 (c) to make clear that no person selected to serve on a panel would be allowed to testify in court if they do not meet the qualifications of an expert witness.

It was the Chairman’s understanding that the only subject that they did not reach agreement on was striking in Section 1, line 27-30 allowing that if a claim is filed naming more than one defendant, each defendant would be entitled to request separate screening panels.

Representative Ward wanted the bill to make clear that in case of a dispute on the number of screening panels the court would order the number of panels to be seated. He also was concerned that if there was a failure to make an appointment within the time set, that the court would make the appointment. He also suggested that the tolling date should be extended by the number of days it takes to get a panel appointed.

The committee meeting adjourned at 5:15 p.m. The next committee meeting was scheduled for February 28, 2007.