

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 February 8, 2000 in Room 313-S of the Capitol.

All members were present except:
Representative Clark Shultz - Excused

Committee staff present:
Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:
Representative Ward Loyd
Jim Kaup, City of Garden City
Elwaine Pomeroy, Kansas Credit Attorneys Association & Kansas Collectors Association

Hearing on **HB 2775 - abatement of common nuisance adding felonies committed by gang members to list of unlawful activities**, was opened.

Representative Ward Loyd explained that the language was taken from sentencing guidelines and that it would define the scope of the statute which would include felonies committed by gangs. Arizona & California have similar statutes which have both been upheld in the courts.

Jim Kaup, City of Garden City, appeared as a proponent of the bill. He stated that cities need this type of enforcement tool because gang activities has grown at an alarming rate. The proposed bill simply gives law enforcement another tool to eliminate gang activities. (Attachment 1)

Hearing on **HB 2775** was closed.

Hearing on **HB 2209 - wage garnishment, assignment of account, benefit entitlement restriction**, was opened.

Elwaine Pomeroy, Kansas Credit Attorneys Association & Kansas Collectors Association, appeared as the sponsor of the bill which deletes subsection d, regarding the prohibiting a judgement creditor from using wage garnishment to enforce any claim which has been assigned. (Attachment 2)

George Barbee, Kansas Association of Financial Services, did not appear before the committee but requested his written testimony be included in the minutes. (Attachment 3)

Hearing on **HB 2209** was closed.

HB 2601 - Increase Court of Appeals to 14 judges

Representative Powell made the motion to report HB 2601 favorably for passage. Representative Loyd seconded the motion. Representative Powell commented that he chaired the Judicial Budget Committee last summer and they determined that the expansion of the Court of Appeals was long overdue. **The motion carried.**

HB 2450 - Judicial branch of state government, budget

Representative Carmody made the motion to report HB 2450 favorably for passage. Representative Powell seconded the motion.

Representative Carmody made the substitute motion to include revisors technical changes. Representative Powell seconded the motion. The motion carried.

CONTINUATION SHEET

Representative Carmody renewed his motion to report **HB 2450** favorably for passage, as amended. Representative Powell seconded the motion. The motion carried.

HB 2596 - creating the crime of counterfeiting; relating to forfeiture

Representative Pauls made the motion to report **HB 2596** favorably for passage. Representative Lightner seconded the motion.

Committee members were concerned that the definition of “intellectual property” was too broad. Representative Gregory made the motion to insert that “intellectual property means any trademark, trade name or service mark, as such words are defined in K.S.A. 81-202.” Representative Crow seconded the motion. The motion carried.

Representative Pauls made the motion to report **HB 2596** favorably for passage, as amended. Representative Swenson seconded the motion. The motion carried.

HB 2684 - one year time limitation on writs of habeas corpus

Representative Pauls made the motion to report **HB 2684** favorably for passage. Representative Rehorn seconded the motion.

Representative Pauls made the substitute motion to have manifest injustice be discretionary with the courts and include in subsection (f)(a) “or the United States Supreme Court”.. Representative Rehorn seconded the motion. This would give the District Courts some relief with their caseload. The motion carried.

Representative Pauls made the motion to report **HB 2684** favorably for passage, as amended. Representative Swenson seconded the motion. The motion carried.

HB 2772 - crime victims restitution; increasing amounts of compensation; allowing business & governmental entities to be compensated

Representative Haley made the motion to report **HB 2772** favorably for passage. Representative Ruff seconded the motion.

Members were concerned whether the bill included non-profit entities. Representative Carmody made the substitute motion to strike “business” on page 2, lines 38 & 40 to include the non-profit entities. Representative Gregory seconded the motion. Members were concerned that striking “business” would not allow business to request funds. With permission of the second Representative Carmody withdrew his motion.

Representative Carmody made the motion to use only the italicized language in section (p) lines 37-39 thru the period, so it would read appropriately. Representative Pauls seconded the motion. The motion carried.

Representative Carmody made the motion to amend on page 2, lines 38 & 40 to read “apply to any corporation, partnership, governmental or any other entity...”. This would include all entities, profit or non-profit, business or non-business and entity being one that has a taxpayer identification number. Representative Pauls seconded the motion. The motion carried.

Representative Carmody made the motion to report **HB 2772** favorably for passage. Representative Gregory seconded the motion. The motion carried. Representative Marti Crow wished to be recorded as voting no.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for Wednesday, February 9, 2000.