

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 19, 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 Anday, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

HB 2283 - perfection of security interests on certificates of title

Representative Colloton made the motion to report HB 2283 favorably for passage. Representative Whitham seconded the motion. The motion carried.

HB 2007, 2228 & 2262 - indemnification clauses

Chairman O'Neal announced that in view of time constrains, no action would be taken on these three bills. However, the committee has considered these types of bills the last two years and he stressed that there needs to be a resolution to the issue. He encouraged all parties interested to get together and come up with a compromise for the 2008 legislature to consider.

HB 2360 - arrest powers of federal law enforcement officers

Representative Owens made the motion to report HB 2360 favorably for passage. Representative Pauls seconded the motion. The motion carried.

HB 2363 - civil procedure; repealing statutes dealing with terms of the court

Staff suggested technical amendments on page 5, line 22 the written out word "thirty" should be "30" and on page 7 line 37 "such mater" should be "such master". Representative Pauls made the motion to adopt the technical changes. Representative Crow seconded the motion. The motion carried.

Representative Owens made the motion to report HB 2363 favorably for passage, as amended. Representative Pauls seconded the motion. The motion carried.

HB 2095 - repealing the prohibition on local residential restrictions on sex offenders

Chairman O'Neal provided the committee with a balloon which would keep current law in place with regards to the prohibition on residential restrictions on sex offenders but carve out an exception for correctional placement residences. (Attachment 1)

The committee discussed the need to strike in the balloon, "that maintains a" in (b) and to add "or zoning" after "residential licensing". Representative Ward made the motion to adopt the balloon with the proposed changes. Representative Owens seconded the motion. The motion carried.

Representative Pauls made the motion to strike the expiration date, as recommendation by the Sex Offender Policy Board. Representative Crow seconded the motion. The motion carried.

Representative Pauls made the motion to report HB 2095 favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

HB 2393 - municipal courts; fines; restitution, costs; collection agents; judgements enforcement in

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 19, 207 in Room 313-S of the Capitol.

district court

The committee discussed the opposition from the district court to be the enforcer of judgements. A balloon was provided to address their concerns which would strike subsection (g) to the end of the bill, except for the effective date. (Attachment 2) Representative Ward made the motion to adopt the balloon. Representative Owens seconded the motion. The motion carried.

Representative Davis voiced his concern with the cost of collection be assessed to individuals. He made the motion to apply K.S.A. 75-719 (c)(5) (Caps costs of collection shall not exceed 33% of the amount collected, court costs and fines.) to the bill. Representative Watkins seconded the motion. The motion carried.

Representative Colloton made the motion to report HB 2393 favorably for passage, as amended. Representative Whitham seconded the motion. The motion carried.

HB 2186 - restrictions on advertising for adoption and child placement agencies

Representative Owens made the motion to add at the end of line 32, "or to an individual seeking to adopt a child." Representative Colloton seconded the motion. The motion carried.

Representative Owens made the motion to report HB 2186 favorably for passage as amended. Representative Colloton seconded the motion.

Some committee members had concerns with adoption agencies having to have dual licences in order to advertise in Kansas and also with limiting commercial speech.

Representative Crow made the substitute motion to change a(1) to read "...shall disclose such license information", also apply the change in lines 35, 42 & 42 and strike sections 2 & 3. Representative Wolf seconded the motion. The motion carried.

Representative Wolf made the motion to report HB 2186 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

HB 2191 - unlawful sexual relations by volunteers in correctional institutions

Staff provided the committee a balloon which would include teachers in the bill. So that it would be unlawful for teachers to have sexual relations with any student who is attending high school. (Attachment 3) Representative Crow made the motion to adopt the balloon. Representative Pauls seconded the motion. The motion carried.

Representative Garcia provided the committee with an amendment which would provide the same penalties for the mistreatment of a dependent adult as for theft. (Attachment 4) The committee was concerned with the severity level changes due to prison overcrowding. Representative Garcia made the motion to have the value amount of over \$100,000 be a severity level 6 and under would remain current law. Representative Owens seconded the motion. The motion carried.

Representative Pauls made the motion to report HB 2191 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for February 20, 2007.