

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Tuesday, February 10, 2015, 112-N of the Capitol.

All members were present

Committee staff present:

Lauren Douglass, Legislative Research Department
Robert Allison-Gallimore, Legislative Research Department
Katherine Goyette, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Representative Tom Phillips
Reagan Kays, Student Body President, Kansas State University
Morgan Said, Student Body President, Kansas University
Ed Klumpp, Kansas Assn of Chief of Police, Kansas Sheriffs Assn and Kansas Peace Officers Assn

Others in attendance:

[See Attached List](#)

Bill introductions

Chairperson Barker noted that today is the last day for bill introductions.

Representative Craig McPherson introduced a companion bill to the House Concurrent Resolution he introduced earlier relating to judicial selection reform. This bill changes what committees can meet when the legislature is not in session. The bill was accepted.

Representative John Carmichael introduced a bill relating to discrimination against gays and lesbians. The bill was accepted.

There were no other bill introductions.

Chairperson Barker advised that minutes from the meeting of January 22, 2015 had been sent out to the committee. He asked what the committee's pleasure was.

Representative John Carmichael moved that the January 22, 2015 minutes be approved, seconded by Representative Becky Hutchins. The minutes were approved.

Hearing on: HB2198 — Possession or consumption of alcoholic beverage by minor; immunity from liability for minor seeking medical assistance needed due to alcohol consumption.

Chairperson Barker opened the hearing on **HB2198**. Katherine Goyette, Office of Revisor of Statutes,

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provided an overview of the bill.

Chairperson Barker recognized Representative Tom Phillips as a proponent of **HB2198** ([Attachment 1](#)). He said there is an amendment that will limit the number of people who will get immunity when an emergency call is made ([Attachment 2](#)). Questions were directed to Representative Phillips by Representatives Jim Ward and Mark Kahrs.

Representative John Whitmer stated that studies have shown that the main reason underage students don't call for medical assistance is not because they are concerned about getting in trouble with the law; they just didn't realize their fellow student was in medical distress. He is concerned this bill will condone or enable high risk and underage drinking. These types of policies also tend to apply to all incidents leading to abuse by students who repeatedly drink to excess.

Chairperson Barker stated that instead of having Representative Phillips respond to Representative Whitmer's question, he will have each of the proponents testify and then afterwards questions can be asked of all of them.

Reagan Kays, Student Body President of Kansas State University, provided proponent testimony on **HB2198** ([Attachment 3](#)).

Chairperson Barker called on Morgan Said, President of the Student Body of Kansas University, to provide proponent testimony ([Attachment 4](#)).

Ed Klumpp testified on behalf of the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association in favor of **HB2198** ([Attachment 5](#)).

Questions were asked of the conferees by Representatives Leslie Osterman, John Rubin, Blaine Finch, James Todd, Randy Powell, John Whitmer, and Kyle Hoffman.

Chairperson Barker gave Mr. Kays and Ms. Said five minutes each to sum up their testimony.

Chairperson Barker noted that written neutral testimony has been provided by Dave Johnston on behalf of the Kansas EMS Association ([Attachment 6](#)).

The hearing on **HB2198** was closed by Chairperson Barker.

Possible action on bills previously heard

HB2109 -- An act concerning the Kansas probate code; relating to transfer-on-death deeds; lapsing or vesting of ownership in grantee beneficiary

Chairperson Barker asked the committee to open their folders on **HB2109**. He asked what the

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committee's pleasure was.

Representative Blaine Finch moved to report **HB2109** as favorable for passage, seconded by Representative Kyle Hoffman.

Representative Blaine Finch advised that he has a balloon amendment ([Attachment 7](#)). There are two amendments to the bill. The first is on the second page and deals with the effective date of the act. The new law will apply to all transfer-on-death deeds recorded after July 1, 2015. The old law will apply to any deeds recorded prior to that date.

With regard to the other amendment, Representative Finch used the example of the Simpson family: Homer, Marge, and their three children, Bart, Lisa, and Maggie. Under the Dickinson County decision, if Bart were to predecease Marge and Homer, their transfer-on-death deed in favor of their three children would fail and it would lapse back to Marge and Homer and go through their respective estates. With this amendment, if Bart dies and leaves any children or grandchildren, they would take Bart's share unless the deed says otherwise. If Bart has no children or grandchildren, his share would lapse back to Marge and Homer and would pass as their estate plan directs instead of looking for six degrees of relationships and trying to get title examiners to sign off on who would have a superior claim. Their other children's claims remain the same: they will take two-thirds of the interest in that real estate on that transfer-on-death deed. It's his understanding the Kansas Bar Association has approved this amendment.

Vice-Chairperson Charles Macheers stated that he has no objection to the proposed amendment.

Representative Craig McPherson moved to split the balloon amendment so the committee can consider the amendment on page one separately from the amendment on page two, seconded by Representative Leslie Osterman. Chairperson Barker determined that the two amendments could be considered separately.

Chairperson Barker advised that Amendment A will be the balloon on the first page of the bill and the strike on page two, lines 3 through 6. Amendment B will be the balloon on the second page, lines 17 through 20.

Representative Craig McPherson moved to favorably pass Amendment A, seconded by Representative Fred Patton, and favorably passed.

Representative Blaine Finch moved to pass favorably Amendment B, seconded by Representative Annie Kuether, and passed favorably.

Representative Blaine Finch moved that **HB2109**, as amended, be reported as favorably passed, seconded by Representative Annie Kuether. **HB2109**, as amended, was favorably passed.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Chairperson Barker advised the committee that he did some research over the weekend, and he determined that there never was a Dickinson County case on this issue. This was caused by one attorney asking a judge how he would rule if this issue would come up. After the judge told him how he would rule, the attorney contacted the Kansas Bar Association who put their number one committee on it, and that is how it got here.

Bill introductions

Chairperson Barker called for bill introductions.

Representative Jim Ward introduced a bill relating to the open records law and the preliminary draft exception. It is a companion bill to the private email account that was introduced earlier. The bill was accepted.

There being no further business, Chairperson Barker adjourned the meeting at 4:35 p.m. The next scheduled committee meeting will be on February 11, 2015.