

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February 23, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Dan Williams - Excused

Committee staff present:

Jill Wolters, Revisor of Statutes

Diana Lee, Revisor of Statutes

Jerry Ann Donaldson, Kansas Legislative Research Department

Cindy O'Neal, Secretary

Conferees appearing before the committee:

Representative Ed O'Malley

Carmen Alldritt, Director, Kansas Department of Motor Vehicles

The hearing on **HB 2714 - prohibiting the use of social security numbers on driver's licenses, permits or identification cards**, was opened.

Representative Ed O'Malley appeared as the sponsor of the bill. The proposed bill is a step towards helping curb identity theft by phasing out social security numbers on driver's licenses. (Attachment 1)

Carmen Alldritt, Director, Kansas Department of Motor Vehicles, supported the bill because the phase in would not have a fiscal impact on the state. When someone comes into renew their drivers license they would get a new number. (Attachment 2)

HB 2714 - prohibit the use of social security numbers on driver's licenses

Representative Pauls made the motion to report HB 2714 favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2874 - Interstate Family Support Act

Representative Loyd made the motion to report HB 2874 favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2697 - Uniform Enforcement of Domestic Violence Act

A balloon was provided to the committee that was the original Uniform Enforcement of Domestic Violence Act. The bill had amendments to it and therefore made **HB 2697** non-uniform. (Attachment 3)

Representative Long-Mast made the motion to adopt the balloon. Representative Patterson seconded the motion. The motion carried.

Representative Pauls made a motion to change in the form, on page 3, by striking judicial district, territory and change 200 to "year". Representative Long-Mast seconded the motion. The motion carried.

Representative Long-Mast made the motion to include the Uniform Law Commission amendments (Attachment 4). Representative Patterson seconded the motion. Committee discussion centered around where the verification procedure would take place and where one files the affidavit. With permission of the second, Representative Long-Mast included in her motion that the bill should reflect that the clerks office will be the registering agency and the sheriffs office will input the information into the criminal database. The motion carried.

Representative Long-Mast made the motion to report **Substitute HB 2697** favorably for passage. Representative Swenson seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 23, 2004 in Room 313-S of the Capitol.

HB 2614 - counties may pay district magistrate judges supplemental salary

Representative Patterson made the motion to report HB 2614 favorably for passage. Representative Owens seconded the motion.

Representative Davis made the substitute motion to have the bill apply to district magistrate judges who are admitted to practice law in Kansas. Representative Klein seconded the motion. The motion carried 9-6.

Representative Loyd made the motion to add in the provisions of HB 2291, and on page 3, line 3 change "may" to "shall". Representative Davis seconded the motion. The motion carried.

Representative Goering made the motion that by agreement of both parties, district magistrate judges could hear domestic cases, but the rulings could not be appealed to the district court. Representative Jack seconded the motion. The motion failed 7-8.

Representative Loyd made the motion to have line 22 read "mulit-county judicial district magistrate judges". Representative Pauls seconded the motion. The motion carried.

Representative Patterson made the motion to report HB 2614 favorably for passage, as amended. Representative Owens seconded the motion. Some committee members believed that this would split the state into two districts, the haves and have nots. The legislature should be looking at what is best for the state, not just one district. The motion carried 9-6.

HB 2618 - terms of office of court of appeals judges from four to six

Representative Goering made the motion to incorporate Judge Marquardt's suggested amendments. (see committee minutes from 2-16-04). Representative Crow seconded the motion. The motion carried.

Representative Goering made the motion to report HB 2618 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

HB 2594 - duty of care of a producer of livestock or of meat products

Representative Long-Mast made the motion to adopt the balloon amendment. (Attachment 5). Representative Crow seconded the motion. The motion carried.

Representative Long-Mast made the motion to report Substitute HB 2594 favorably for passage, with revisors clean-up language. Representative Jack seconded the motion. The motion carried.

HB 2764 - class action, appeals from certification of class

Representative Newton made the motion to report HB 2764 favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

HB 2738 - providing authority for self storage operators to collect late fees

Representative Owens made the motion to report HB 2738 favorably for passage. Representative Long-Mast seconded the motion.

Representative Owens made the substitute motion to delete on page 2, line 10-13, "an operator may set..." Representative Newton seconded the motion. The motion carried.

Representative Ward made the motion to change the wording on page 2, line 6 "may impose up to \$20 a month or up to 20%." Representative Goering seconded the motion. The motion carried. Some members were concerned what a reasonable late fee was and felt that this would be the start of every business asking

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 23, 2004 in Room 313-S of the Capitol.

the state to set in statute late fees.

Representative Yoder made the motion to strike in line 8 "a late fee....reasonable". Representative Crow seconded the motion. The motion failed.

Representative Loyd made the motion to amend on line 8 "when a late fee is due, an amount not to exceed \$20 a month or 20% of the rental amount, whichever is greater." Representative Owens seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2738** favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

The committee meeting adjourned. The next meeting was scheduled for February 24, 2004.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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EDWARD J. O'MALLEY JR.
24TH DISTRICT

Testimony in Support of House Bill 2714
February 23, 2004

Mr. Chairman and members of the committee, thank you for this opportunity to speak in favor of **House Bill 2714, which would phase out the use of a social security number on the Kansas driver's license.**

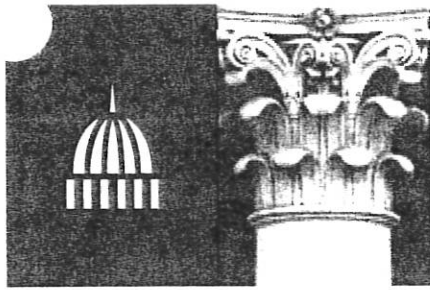
As identity theft continues to increase, we need to take all appropriate steps to limit access to Kansans' most critical information. Currently, Kansans have the option of whether to place their social security number or a computer generated number on their license. **House Bill 2714 will limit access to social security numbers and thus help protect Kansans from identity theft.**

For an identity thief, access to a social security number tends to be the gateway into their victim's financial records. Identity theft remains the number one concern among consumers contacting the Federal Trade Commission. It is estimated that over seven million people became victims of identity theft in the prior 12 months.

Twenty-five states and the District of Columbia allow citizens the option of using their social security number or a computer generated number on their license. **Twenty-four states do not allow the use of a social security number**, and many of those states have enacted such legislation within the last few years.

In addition to disrupting the lives of millions of individuals, identity theft also reeks havoc on retailers and banks, which must simply rely on the consumer to make wise choices about keeping information confidential.

Thank you for your attention to this matter. I am pleased to stand for questions.



National Conference of State Legislature

LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

FEBRUARY 2004

VOL. 12, No. 11

Social Security Numbers

By Heather Morton

A Social Security number (SSN) is a unique personal identifier issued by the government to an individual for his or her lifetime. In contrast to names or addresses, SSNs don't change. Since one SSN is assigned to one person, government agencies and businesses use them to identify and track service use. With dramatic increases in identity theft, however, concerns about SSN availability have risen.

Several laws and regulations require certain government programs to use SSNs for administrative purposes.

SSNs were first used in 1936 by the Social Security Administration for records of wages paid by employers as required by the Social Security Act. Although no federal law regulates the overall use of the numbers, several laws and regulations require certain government programs to use SSNs for administrative purposes. Programs such as food stamps, Temporary Assistance for Needy Families, Supplemental Security Income, child support enforcement and Medicaid, as well as the Commercial Driver's License Information System and the Internal Revenue Service use SSNs to ensure payment of proper benefits and eliminate fraud. Under the Social Security Act, states may also use the numbers to administer taxes, public assistance programs, driver's licenses and motor vehicle registrations.

Businesses also use them as personal identifiers.

Government agencies are not the only ones to use SSNs. Businesses, such as credit bureaus, health care organizations, insurance companies and employers, also use them as personal identifiers. Any business that uses credit reports uses SSNs to verify credit history. An individual's entire credit and work history is built around SSNs.

As a result of government and business use, SSNs are not confidential. Court records, which are frequently published on the Web, often contain SSNs. The numbers may appear on financial documents, pay or benefit checks, driver's licenses and other identification cards that may be seen by a wide variety of people.

Identity thieves use valid SSNs to commit crimes.

Studies have shown that identity thieves tend to use valid SSNs to commit crimes. And, in an effort to combat them, state legislators are introducing legislation to limit the availability of SSNs. Restricting access to SSNs is not without controversy.

Limiting Their Use. Those in favor of limiting the use of the numbers argue that the open availability fosters identity theft and misuse, precisely because so many people see them everyday. They purport that easy access facilitates financial crimes, money laundering and stalking. They point to the murder of Amy Boyer in New Hampshire, a case in which a man stalked and killed a young woman after obtaining her home and work addresses by purchasing her SSN through the Internet. In addition, they believe that open SSNs make the country vulnerable because terrorists can use stolen numbers to gain entry to the United States.

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In contrast, some argue that SSNs help identify people accurately and prevent commingled records. They contend that access to the numbers assists with collecting debts, locating and recovering missing and abducted children, identifying and preventing fraud and other financial crimes, locating heirs and beneficiaries, and preventing and investigating terrorism and other criminal activities. As an example, law enforcement used commercial information databases that contain SSNs to locate suspects wanted in connection with the Sept. 11 terrorist attacks.

State Action

A majority of legislatures introduced SSN legislation in 2003. Nine states—Arizona, Arkansas, Colorado, Georgia, Hawaii, North Dakota, Utah, Virginia and West Virginia—passed laws restricting their use as identification numbers on driver's licenses, health cards or as student numbers. Arizona, Maryland and Texas no longer require marriage licenses to list SSNs. Seven states—California, Missouri, Oregon, Tennessee, Texas, Virginia and Wyoming—passed legislation limiting access to SSNs in court or legal documents.

A majority of legislatures introduced SSN legislation in 2003.

Arizona, California and Virginia now prohibit mailing documents or parcels that contain an individual's SSN, where the number can be seen. Twelve states—Arizona, Arkansas, Idaho, Illinois, Louisiana, Maryland, Minnesota, North Carolina, South Dakota, Texas, West Virginia and Wyoming—passed laws protecting the confidentiality of military discharge paperwork, which contains veterans' SSNs.

Arizona places several restrictions on the use of SSNs. For example, individuals are not required to provide a SSN over the Internet unless the connection is secure or the number is encrypted. New Mexico enacted the Privacy Protection Act, which regulates the collection and disclosure of the numbers. Under this new law, companies that acquire SSNs must adopt internal policies that limit access to authorized employees who need the information to perform their duties. The law holds those employees responsible if the SSNs are released to unauthorized persons.

Federal Action

Several bills are pending in Congress that would limit availability and access. Among them, HR 2971, the Social Security Number Privacy and Identity Theft Prevention Act, would amend the Social Security Act to enhance privacy protections and prevent fraudulent misuse of the SSN. HR 637 and S 228, both named the Social Security Number Misuse Prevention Act, would amend the federal criminal code to prohibit display, sale or purchase of SSNs without the consent of individuals. The Fair and Accurate Credit Transactions Act, Public Law 108-159, also protects SSNs in consumer credit reports.

Several bills are pending in Congress that would limit availability and access.

Selected References

- U.S. General Accounting Office. *Social Security: Government and Commercial Use of the Social Security Number Is Widespread*. GAO/HEHS-99-28. Washington, D.C., February 1999.
- U.S. General Accounting Office. *Social Security Numbers: Government Benefits from SSN Use but Could Provide Better Safeguards*. GAO/02-352. Washington, D.C., May 2002.

Contact for More Information

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State Law Regarding Social Security Number Displayed on Driver's License

State	SSN Display on Driver's License
Alabama	Optional
Alaska	No
Arizona	Optional
Arkansas	Optional
California	No
Colorado	Optional
Connecticut	No
Delaware	Optional
District of Columbia	Optional
Florida	No
Georgia	Optional
Hawaii	No
Idaho	No
Illinois	No
Indiana	Optional
Iowa	Optional
Kansas	Optional
Kentucky	No
Louisiana	Optional
Maine	Optional
Maryland	No
Massachusetts	Optional
Michigan	No
Minnesota	No
Mississippi	Optional
Missouri	Optional

State	SSN Display on Driver's License
Montana	Optional
Nebraska	No
Nevada	Yes
New Hampshire	No
New Jersey	No
New Mexico	Optional
New York	No
North Carolina	Yes
North Dakota	Optional
Ohio	Optional
Oklahoma	Optional
Oregon	No
Pennsylvania	No
Rhode Island	No
South Carolina	No
South Dakota	Optional
Tennessee	Optional
Texas	No
Utah	Optional
Vermont	No
Virginia	Optional
Washington	No
West Virginia	No
Wisconsin	No
Wyoming	Optional
District of Columbia	Optional

(Source: National Conference of State Legislatures – 2003 Data)

2003 Social Security Number Display Legislation.

State	Citation	Description	Last Action as of June 2003
Alabama	HB 33	Removes requirement that SSN be displayed on commercial driver's license.	03/4/03 - Introduced. 03/18/03 - Passed House, referred to Senate Committee on Economic Expansion and Trade.
Arkansas	HB 2234	Removes the ability to elect to have SSN as driver's license number.	03/27/03 - Approved by Governor.
Hawaii	HB 1235	Removes the requirement that an applicant's SSN appear on the commercial driver's license. (Identical to SB 1406-Enacted).	01/23/03 - Introduced. 03/4/03 - Passed House. 03/7/03 - In Senate Committee. (Identical bill, SB 1406, was enacted).
	SB 1406	Removes the requirement that an applicant's SSN appear on the commercial driver's license. (Identical to HB 1235).	04/17/03 - Signed by Governor (Act 015).
North Dakota	HB 1443	Removes option of having SSN on driver's license.	03/26/03 - Signed by Governor.
Oklahoma	SB 417	Allows persons to request that their SSN be used as their driver's license number.	02/3/03 - Introduced and referred to Senate Committee on Veterans, Military Affairs and Public Affairs.
Oregon	HB 2783	Requires all state agencies issuing licenses and permits, including the driver's license, to collect the applicant's SSN. Prohibits the Department of Transportation from disclosing the SSN in motor vehicle records.	02/24/03 - Introduced and referred to House Judiciary Committee. 04/2/03 - Judiciary Committee voted to pass and referred to House Ways and Means Committee.
Rhode Island	HB 5667	Prohibits the inclusion of SSNs or ITINs on the license.	04/1/03 scheduled hearing and consideration continued.
Virginia	HB 1593	Eliminates optional use of SSNs as driver's license numbers. Current law allows the use of the SSN as driver's license number upon written request.	03/16/03 - Approved by Governor.
	HB 1744	Prohibits state agencies from displaying an individual's entire SSN on any agency-issued ID card or license certificate.	04/3/03 Approved by Governor.
	HB 2063	Prohibits display of SSN on any public agency student or employee ID card.	03/23/03 Approved by Governor.
West Virginia	SB 390	Removes requirement that SSN appear on commercial driver's license.	03/14/03 - Approved by Governor.
Wyoming	HB 55	Neither the SSN nor the ITIN should be displayed on the license, but the option to have the number displayed should be an option at application.	01/16/03 - Withdrawn by sponsor.

(Source: National Conference of State Legislatures – 2003 Data)



K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB2714
to
The House Committee on Judiciary

by Carmen Alldritt
Director of Vehicles
Department of Revenue

February 23, 2004

Chaiman O'Neal and Members of the Committee:

My name is Carmen Alldritt, and I serve as Director of the Kansas Division of Motor Vehicles. Thank you for the opportunity to provide testimony today on House Bill 2714.

The Division of Vehicles supports House Bill 2714, making the use of assigned numbers mandatory on drivers' licenses.

With the apparent rise in identity theft this measure would have a positive impact because there would be less chance of Social Security numbers being obtained by unauthorized users.

Substitute for HOUSE BILL NO. 2697

By Committee on Judiciary

AN ACT concerning the uniform interstate enforcement of domestic violence protection orders act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. This act may be cited as the uniform interstate enforcement of domestic violence protection orders act.

Sec. 2. In this act, these terms mean the following:

(a) "Foreign protection order" means a protection order issued by a tribunal of another state.

(b) "Issuing state" means the state whose tribunal issues a protection order.

(c) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(d) "Protected individual" means an individual protected by a protection order.

(e) "Protection order" means any injunction or other order issued by a tribunal under the domestic violence, family violence or anti-stalking laws of the issuing state to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with or physical proximity to another individual.

(f) "Respondent" means the individual against whom enforcement of a protection order is sought.

(g) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

(h) "Tribunal" means a court, agency or other entity authorized by law to issue or modify a protection order.

Sec. 3. (a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid protection order in a tribunal of this state. The tribunal

shall enforce the terms of the protection order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

(b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of that order.

(c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

(d) A foreign protection order is valid if it:

(1) Identifies the protected individual and the respondent;

(2) is currently in effect;

(3) was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

(4) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign

protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(2) the tribunal of the issuing state made specific findings in favor of the respondent.

Sec. 4. In order to facilitate the interstate enforcement of foreign protection orders, tribunals in Kansas shall utilize the following form when issuing protection from abuse orders pursuant to K.S.A. 60-3101 et seq., and amendments thereto:

_____ (Name),	:	IN THE _____ COURT OF
Plaintiff	:	_____ (County/Judicial District)
	:	_____ (State/Territory)
vs.	:	CIVIL ACTION -- LAW
	:	PROTECTION/RESTRAINING ORDER
_____ (Name),	:	
Defendant	:	Docket No. _____, 200__

Certification of Protection/Restraining Order

It is hereby certified that the attached is a true and correct copy of the order entered in the above-captioned action on _____ (date) and that the original of the attached order was duly executed by the judicial authority whose signature appears thereon. The order expires on _____ (date).

The order is: () a civil protection/restraining order OR () a criminal protection/restraining order, that recognizes the standing of the plaintiff to seek enforcement of the order

It is further certified that:

(a) The issuing court determined that it had jurisdiction over the parties and the subject matter under the laws of _____ (state or Indian tribe).

(b) The defendant was given reasonable notice and had opportunity to be heard before this order was issued; or if the order was issued ex parte, the defendant was given notice and had opportunity to be heard after the order was issued, consistent with the rights of the defendant to due process.

(c) The order was otherwise issued in accordance with the requirements of the uniform interstate enforcement of domestic violence protection orders act and the violence against women act, 18 U.S.C. § 2265.

For custody and visitation orders:

The order was issued in accordance with the requirements of the uniform child custody jurisdiction act or the uniform child custody jurisdiction and enforcement act of this state and is consistent with the provisions of the parental kidnapping prevention act, 28 U.S.C. § 1738A.

The attached order shall be presumed to be valid and enforceable

in this and other jurisdictions.

Signature of clerk of court or other authorized official: _____
 Judicial district: _____ Address _____
 Phone: _____ Fax: _____ Date: _____
 Seal: _____

Sec. 5. (a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this act.

Sec. 6. (a) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:

(1) Present a certified copy of the order to the clerk of

the district court in the judicial district where the protection order will be enforced; or

(2) present a certified copy of the order to the clerk of the district court in the judicial district where the protection order will be enforced and request that the order be registered with the district court.

(b) Upon receipt of a foreign protection order, the clerk of the district court in the judicial district where the order will be enforced shall register the order in accordance with this section. After the order is registered, the clerk of the district court shall furnish to the individual registering the order a certified copy of the registered order.

(c) The clerk of the district court in the judicial district where the protection order will be enforced shall register an order upon presentation of a copy of a protection order which has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.

(d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(e) A foreign protection order registered under this act may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order.

Sec. 7. This state, a local governmental agency, a law enforcement officer, a prosecuting attorney, a clerk of court or any state or local governmental official acting in an official capacity is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was

done in good faith in an effort to comply with this act.

Sec. 8. A protected individual who pursues remedies under this act is not precluded from pursuing other legal or equitable remedies against the respondent.

Sec. 9. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application. To this end, the provisions of this act are severable.

Sec. 11. This act applies to protection orders issued before July 1, 2005, and to continuing actions for enforcement of foreign protection orders commenced before July 1, 2005. A request for enforcement of a foreign protection order made on or after July 1, 2005, for violations of a foreign protection order occurring before July 1, 2005, is governed by this act.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.

From: "Michael Kerr" <MKerr@nccusl.org>
To: <cindyo@house.state.ks.us>
Date: 2/23/04 2:38PM
Subject: HB 2697 - Domestic Violence

Cindy-

I've discussed the issues with Sandy Barnett, and here are the changes we're agreeing to. The changes in question either bring language from the comments into the statutory text or make other adjustments allowed by the drafting committee. None of these changes should harm uniformity, and most of them track similar changes we took last year in Nebraska.

My understanding is that the pure uniform act is being prepared as a substitute amendment for the bill; accordingly, the following list of amendments tracks the *uniform* act, not the text or structure of HB 2697. If that's not how things are being prepared, let me know and I'll redo this to facilitate whichever other option. The changes to the uniform act are noted in underscore and strikeout, or by parenthetical description.

1. In Section 2 (Definitions) paragraph 5 should read:

"(5) Protection order" means an injunction or other temporary or final order, issued by a tribunal under the domestic-violence, family-violence, or anti-stalking laws of the issuing state, broadly construed, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.

2. In section 4, do not include the suggested certification form

3. Include section 8 (registration provisions)

- In subdivision (a)(1) [and thereafter] identify the local sheriff's department as the agency responsible for registration of such orders

- In subdivision (a)(2) identify any local district court clerk,

- Include subdivision (f) and change "may" to "shall"

- Include a new subdivision (g) to read as follows: "(g) No Kansas sheriff's department or district court accepting or registering a foreign protection order under this section shall notify, or require notification of, a party against whom the order was filed of its filing or registration in Kansas unless requested to do so by the party protected under the order.

⁷
4. In Section ~~8~~ change "act or omission" to "conduct" [appears twice in section]

⁹
5. In section ~~8~~, change "must" to "shall"

¹⁰
6. Include section ~~8~~ {severability clause}.

7. Insert [wherever most appropriate] an amendment to KSA 21-3843, as follows:

In 21-3843 (4), after "issued" insert: "in this or any other state,"

In 21-3843 (5), after "issued" insert: "in this or any other state,"

[Note that the new provision (g) in section 5 tracks a federal requirement in 18 USC 2265(d)(1), and the amendment to 21-3843 effectuates the intent of the legislative note at the end of Section 3 of the Uniform Act]

Thanks for all your help, and let me know if there is anything else I can do

Michael Kerr

NCCUSL

2004

3rs1913

HOUSE BILL NO. ____

By

AN ACT concerning agriculture; relating to duty of care of livestock producers.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this act, for livestock prepared in Kansas in accordance with K.S.A. 65-6a18 *et seq.*, and amendments thereto: (1)

"Producer" means any person engaged in the business of breeding, grazing, maintenance, or feeding of livestock;

(2) "livestock" means the same as provided in K.S.A. 65-6a18 *et seq.*, and amendments thereto;

(3) "meat food product" means the same as provided in K.S.A. 65-6a18 *et seq.*, and amendments thereto; and

(4) "prepared" means the same as provided in K.S.A. 65-6a18 *et seq.*, and amendments thereto.

(b) In an action arising as a result of consumption of a meat food product against a producer of livestock there shall be a rebuttable presumption that the producer of livestock met the standard of ordinary care in the production of the livestock in question, if the livestock in question was inspected and passed in accordance with the provisions of K.S.A. 65-6a18 *et seq.*, and amendments thereto.

(c) In no event shall a producer of livestock in an action arising as a result of consumption of a meat food product be held to a standard higher than that of ordinary care if the livestock in question had been inspected and passed in accordance with the provisions of K.S.A. 65-6a18 *et seq.*, and amendments thereto.

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section

Sec. 2. (a) As used in this ~~act~~ *section* for livestock prepared in Kansas in accordance with the Federal meat inspection act, 21 U.S.C.A. 601 *et seq.*: (1) "Producer" means any person engaged in the business of breeding, grazing, maintenance, or feeding of livestock;

(2) "livestock" means cattle, sheep, swine, goats, horses, mules or other equines;

(3) "meat food product" means the same as provided in 21 U.S.C.A. 601(j) *et seq.*; and

(4) "prepared" means the same as provided in 21 U.S.C.A. 601 (1) *et seq.*

(b) In an action arising as a result of consumption of a meat food product against a producer of livestock there shall be a rebuttable presumption that the producer of livestock met the standard of ordinary care in the production of the livestock in question, if the livestock in question was inspected and passed in accordance with the provisions of 21 U.S.C.A. 601 *et seq.*

(c) In no event shall a producer of livestock in an action arising as a result of consumption of a meat food product be held to a standard higher than that of ordinary care if the livestock had been inspected and passed in accordance with the provisions of 21 U.S.C.A. 601 *et seq.*

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.