

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

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

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

SB 29 - corporation code amendments

The committee was provided information showing all the amendments which were requested on the bill during the hearing. (Attachment 1)

Representative Patterson made the motion to adopt the amendments and approve revisors technical updates. Representative Williams seconded the motion. The motion carried.

Representative Long-Mast made the motion to report SB 29 favorably for passage, as amended. Representative Patterson seconded the motion. The motion carried.

SB 357 - creating the Kansas Notary Public Act

The committee showed no interest in working the bill.

SB 48 - Appeal bonds in litigation involving signatories or successors of the tobacco litigation agreement

Representative Loyd made the motion to strike the provisions of SB 48 and amend in HB 2738 - self service storage late fee. Representative Goering seconded the motion. The motion carried.

Representative Loyd made the motion to report House Substitute for SB 48 favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

SB 315 - requiring a \$20 domestic post-decree motion fee on any domestic post-decree motion

Representative Patterson made the motion to strike the provisions of SB 315 and amend in HB 2100 - home inspections, as it passed the House with lines 22-29 being un-struck.. Representative Long-Mast seconded the motion. The motion carried.

Representative Patterson made the motion to report House Substitute SB 315 favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

SB 423 - wage garnishment; assignment of account

Representative Patterson made the motion to remove SB 423 from the table. Representative Jack seconded the motion. The motion carried 7-6.

Representative Patterson made the motion to change on page 1, line 36 (e) to (d) in the subsection site. Representative Goering seconded the motion. The motion carried 6-3.

Representative Patterson made the motion to report SB 423 favorably for passage, as amended. Representative Jack seconded the motion. The motion failed 6-7.

CONTINUATION SHEET

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

SB 388 - statewide authority for capitol area security

Representative Long-Mast made the motion to strike the provisions of SB 388 and amend in HB 2057 - identity theft, as amended by the Senate Judiciary Committee. (Attachment 2) Representative Patterson seconded the motion. The motion carried.

Representative Long-Mast made the motion to report House Substitute SB 388 favorably for passage. Representative Patterson seconded the motion. The motion carried.

The committee meeting adjourned.

AMENDMENTS TO SB 29

1. Add all amendments contained in Bob Alderson's balloon. The balloon contains cosmetic changes and the 2003 amendments to the Delaware corporate code.
2. Page 77, lines 37, 40, and 42 (Bob's balloon covers one of these references; the other two were missed). Amend certificate" of incorporation to "articles" of incorporation. (Delaware uses the term "certificate," however, Kansas uses the term "articles.")
3. Page 92, line 37. Add the words "In the alternative. . ." before "any foreign corporation may amend its original application for authority. . ." This clarifies that a foreign corporation may amend its application in two ways; filing a certificate from its home state, or filing a drafted certificate of amendment.
4. Page 94, line 41. Delete word "copy." The Secretary of State is returning the original document and therefore the reference to the word "copy" is inaccurate.
5. Page 100, line 41. Delete word "signed." Bob's balloon intended to cover this provision, which is strike-typed but missing an explanatory balloon.
6. The Secretary of State wants to delete the senate floor amendments on page 97, 98 and 99, which restored the requirement of a legal description on corporate annual reports. Customers do not provide complete or accurate information and thus the information provided on the public record is often erroneous. The true legal description is available from the Register of Deeds.
7. Representative Pauls was concerned about section 5, page 9. The section could be amended as follows to clarify the language:

Every corporation shall have and maintain in this state a resident agent. . .4) a foreign corporation, a foreign limited partnership or a foreign limited liability company authorized to transact business in this state. ~~In each case having~~ The resident agent shall have a business office identical with the registered office of such registered agent which is generally open during normal business hours to accept service of process and otherwise perform the functions of a ~~registered~~ resident agent.
8. KBA and SOS both suggest moving the effective date to January 1, 2005.

Suggested by: Melissa Wangemann
Office of the Secretary of State
March 17, 2004

Proposed amendment
March 17, 2004

21-4018. Identity theft. (a) Identity theft is knowingly and ~~with intent to defraud for economic benefit, without authorization~~ obtaining, possessing, transferring, using or attempting to obtain, possess, transfer or use, one or more identification documents or personal identification number of another person other than that issued lawfully for the use of the possessor with the intent to:

(1) Defraud;

(2) harass;

(3) affect the credit worthiness of such person; or

(4) enter, remain or gain employment illegally in the United States .

(b) "Identification documents" means the definition as provided in K.S.A. 21-3830, and amendments thereto.

(c) Identity theft is a severity level 7, person felony.

(d) The conduct prohibited in subsection (a) does not apply to:

(1) A person less than 21 years of age who uses the identification documents of another person to acquire an alcoholic beverage, as defined in K.S.A. 8-1599, and amendments thereto;

(2) a person less than 18 years of age who uses the identification documents of another person to acquire:

(A) Cigarettes or tobacco products as defined in K.S.A. 79-3301, and amendments thereto;

(B) a periodical, a videotape, or other communication medium that contains or depicts nudity;

(C) admittance to a performance, live or film, that prohibits the attendance of the person based on age; or

(D) an item that is prohibited by law for use or consumption by such person.

(e) This section shall be part of and supplemental to the Kansas criminal code.