

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 21, 2005 in Room 313-S of the Capitol.

All members were present except:

Michael Peterson- excused

Mike Kiegerl- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

SB 145 - public court records filed on and after July 1, 2005 shall have references to individuals social security number removed or rendered unreadable

Representative Jack made the motion to report SB 145 favorably for passage. Representative Kelley seconded the motion.

Committee members had many concerns with the bill ranging from there being no duty to remove social security numbers for those records filed before July 1, 2005, causing the court clerks more work by having to read each file and redact any social security number which is found, placing the burden of removing social security numbers on the attorney filing the case instead of the court clerk, and forcing citizens to supply social security numbers and then doing nothing to protect them.

Representative Jack suggested that "attorneys" be added to the list of those who would have access to the files. Representative Kinzer suggested that we mirror federal court rule which requires only the last four digits be placed on files and if there is a mandate that the full social security number be listed the file would be under court seal.

With approval of the committee Chairman O'Neal will request that the Kansas Judicial Council study **SB 145** and report back to the committee during the 2006 Legislative Session.

With permission of the second Representative Jack withdrew his motion.

SB 112 - material man's liens; property of claims; property under construction

Representative Jack made the motion to report SB 112 favorably for passage. Representative Kelley seconded the motion. The motion carried.

SB 144 - social host liability

Representative Kinzer made the motion to report SB 144 favorably for passage. Representative Loyd seconded the motion.

Representative Kinzer made a substitute motion to strike subsection (a) to allow a minor to be an aggravated party. Representative Pauls seconded the motion.

Representative Watkins said the issue of the bill is responsibility and believes that this amendment would be shifting it to someone else beside the person who is drinking.

Chairman O'Neal explained that Kansas uses a modified comparative fault state in which juries assign fault to each individual listed in the lawsuit and if they are found to be at fault of 50% or more then they can have no recovery.

The Kinzer motion carried.

CONTINUATION SHEET

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Representative Newton made the motion to strike "conviction" and replace with "violation" on page 1, lines 28-36 & page 2, line 20 & 21 to allow for collection from homeowners insurance. Representative Loyd seconded the motion. Committee members expressed concerns that there would not be a criminal conviction. With permission of the second, Representative Kinzer to have the civil action be a preponderance of evidence. The motion carried.

Representative Loyd made the motion to report **SB 144** favorably for passage. Representative Crow seconded the motion. The motion carried 9-7.

The committee meeting adjourned at 5:10 p.m